

# The Gazette of India



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## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 19th June, 1959 :—

Issue No.	No. and date	Issued by	Subject
91	S. O. 1372, dated June, 1959.	13th Ministry of Commerce and Industry.	Granting recognition to the Hyderabad Oils and Seeds Exchange Ltd., in respect of forward contracts in ground-nut oil.
	S.O. 1373, dated 13th June, 1959.	Do. . . .	Granting recognition to the Kaiserganj Beopar Company, Meerut, in respect of forward contracts in gur.
91A	S.O. 1373-A, dated June, 1959.	13th Ministry of Information & Broadcasting	Approval of films specified therein.
92	S.O. 1374, dated 15th June, 1959.	Ministry of Finance	Calling in all nickel-brass one-anna coins and half-anna coins and direction that the said coins shall cease to be legal tender—details specified therein.
93	S.O. 1410, dated June, 1959.	17th Ministry of Commerce and Industry.	Appointing a body of persons for the purpose of making a full investigation into the circumstances of Ajudhia Textile Mills, Ltd., Delhi.
94	S.O. 1411, dated 17th June, 1959.	Central Board of Revenue	Draft amendments in the Indian Income-tax Rules, 1922.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

**PART II—Section 3—Sub-section (ii)**

**Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).**

**MINISTRY OF FINANCE****(Department of Expenditure)**

*New Delhi, the 12th June 1959*

**S.O. 1415.**—In exercise of the powers conferred by the proviso to article 309, and clause (5) of article 148, of the Constitution, and of all other powers enabling him in this behalf, the President, after consultation with the Comptroller and Auditor General of India in respect of persons employed in the Indian Audit and Accounts Department, hereby makes the following amendment in the General Provident Fund (Central Services) Rules, namely:—

In the second schedule to the said Rules, after Form (3) the following Forms shall be inserted, namely:—

(4)

“Form of single tenant assignment to be used in cases where a subscriber to the ..... Provident Fund who has effected an insurance policy under the rules of that Fund is admitted to the General Provident Fund (Central Services).”

I \_\_\_\_\_ of \_\_\_\_\_ hereby further assign unto the  
(subscriber's name) (subscriber's address)  
President of India the within policy of assurance as security for the payment of all sums which under Rule 26 of the General Provident Fund (Central Services) Rules, the said \_\_\_\_\_ may hereafter become liable to pay  
(subscriber's name)

to the General Provident Fund (Central Services).

I hereby certify that except an assignment to the President of India/Governor of the State of \_\_\_\_\_ as security for payment of all sums which the said \_\_\_\_\_ has become liable to pay under Rule \_\_\_\_\_ of  
(subscriber's name)  
the \_\_\_\_\_ Provident Fund Rules, no prior assignment of the within policy exists.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Station \_\_\_\_\_

One Witness \_\_\_\_\_

Signature of the Subscriber

(5)

Form of joint tenant Assignment to be used in cases where a subscriber to \_\_\_\_\_ Provident Fund who has effected an Insurance Policy under the Rules of that Fund is admitted to the General Provident Fund (Central Services).

We, \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ wife of  
(subscriber's name) (subscriber's address) (wife's name)  
hereby jointly and severally further assign unto the President of India the within policy of assurance as a security for the payment of all sums which under Rule 26 of General Provident Fund (C.S.) Rules, the said \_\_\_\_\_ may  
(subscriber's name)  
hereafter become liable to pay to the General Provident Fund (Central Services).

We hereby certify that except an assignment to the President of India/Governor of the State of \_\_\_\_\_ as security for payment of all sums which the said \_\_\_\_\_ has become liable to pay under Rule \_\_\_\_\_ of the \_\_\_\_\_  
(subscriber's name)  
Provident Fund Rules, no prior assignment of the within policy exists.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Station \_\_\_\_\_

One Witness \_\_\_\_\_

Signature of the subscriber and the joint tenant."

[No. F.28(42)-EV/58.]

**S.O. 1416.**—In exercise of the powers conferred by the proviso to article 309, and clause (5) of article 148 of the Constitution and of all other powers enabling him in this behalf, the President after consultation with the Comptroller and Auditor General of India in respect of persons employed in the Indian Audit and Accounts Department, hereby makes the following amendment in the Contributory Provident Fund Rules (India), namely:—

In the second schedule to the said Rules, for Form (4) the following Forms shall be substituted, namely:

(4)

"Form of single tenant assignment to be used in cases where a subscriber to the \_\_\_\_\_ Provident Fund who has effected an insurance policy under the rules of that Fund is admitted to the Contributory Provident Fund (India).

I \_\_\_\_\_ of \_\_\_\_\_ hereby further assign unto the  
(subscriber's name) (subscriber's address)  
President of India the within policy of assurance as security for the payment of all sums which under sub-rule (2) of rule 22 of the Contributory Provident Fund Rules (India), the said \_\_\_\_\_ may hereafter become liable to pay  
(subscriber's name)  
to the Contributory Provident Fund (India).

I hereby certify that except an assignment to the President of India/Governor of the State of \_\_\_\_\_ as security for payment of all sums which the said \_\_\_\_\_ has become liable to pay under Rule \_\_\_\_\_ of the \_\_\_\_\_  
(subscriber's name)  
Provident Fund Rules, no prior assignment of the within policy exists.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Station \_\_\_\_\_

One Witness \_\_\_\_\_

Signature of the Subscriber."

(5)

"Form of joint tenant assignment to be used in cases where a subscriber to the \_\_\_\_\_ Provident Fund who has effected an insurance policy under the Rules of that Fund is admitted to the Contributory Provident Fund (India);

We \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ wife of \_\_\_\_\_ hereby jointly and  
(subscriber's name) (wife's name)  
(subscriber's name) (subscriber's address)  
severally further assign unto the President of India within policy of assurance

as a security for the payment of all sums which under sub-rule (2) of rule 22 of the Contributory Provident Fund Rules (India), the said \_\_\_\_\_ (subscriber's name) may hereafter become liable to pay to the Contributory Provident Fund (India).

We, hereby, certify that except an assignment to the President of India/Governor of the State of \_\_\_\_\_ as security for payment of all sums which the said \_\_\_\_\_ has \_\_\_\_\_ become liable to pay under rule \_\_\_\_\_ of the \_\_\_\_\_ Provident Fund Rules, no prior assignment of the within policy exists.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Station \_\_\_\_\_

One Witness \_\_\_\_\_

**Signature of the Subscriber and the joint tenant".**

[No. F.20(42)-EV/58.]

R. S. BERY, Dy. Secy.

**(Department of Economic Affairs)**

*New Delhi, the 16th June 1959*

**S.O. 1417.**—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-clause (ii) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply to the State Bank of India before the 1st July 1960.

[No. F. 8/38/59-SB.]

R. K. SESHADRI, Dy. Secy.

## (Department of Economic Affairs)

New Delhi, the 17th June 1959

S. O. 1418.—Statement of the Affairs of the Reserve Bank of India, as on the 12th June 1959.

## BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up ‡	5,00,00,000	Notes	15,86,89,000
Reserve Fund ‡	80,00,00,000	Rupee Coin	1,75,000
National Agricultural Credit (Long-term Operations) Fund	25,00,00,000	Subsidiary Coin	2,92,000
National Agricultural Credit (Stabilisation) Fund	3,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal	..
(a) Government		(b) External	..
(1) Central Government	52,56,29,000	(c) Government Treasury Bills	1,35,70,000
(2) Other Governments	9,93,04,000	Balances held abroad*	18,01,25,000
(b) Banks	72,67,20,000	**Loans and Advances to Governments	31,53,29,000
(c) Others	119,49,08,000	Other Loans and Advances †	59,76,68,000
Bills Payable	16,71,29,000	Investments	297,54,89,000
Other Liabilities	53,21,12,000	Other Assets	13,44,65,000
TOTAL	437,58,02,000	TOTAL	437,58,02,000

\*Includes Cash &amp; Short term Securities.

\*\*Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 3,50,34,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated the 17th day of June 1959.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 12th day of June 1959.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department . . . .	15,86,89,000		A. Gold Coin and Bullion :—		
Notes in circulation . . . .	1753,78,74,000		(a) Held in India . . . .	117,76,03,000	
Total Notes issued . . . .		1769,65,63,000	(b) Held outside India . . . .	..	
			Foreign Securities . . . .	178,00,89,000	
			TOTAL OF A. . . .	..	295,76,92,000
			B. Rupee Coin . . . .	..	128,12,96,000
			Government of India Rupee Securities . . . .		1345,75,75,000
			Internal Bills of Exchange and other commercial paper . . . .	..	
TOTAL—LIABILITIES . . . .	..	1769,65,63,000	TOTAL—ASSETS . . . .	..	1769,65,63,000

K. G. AMBEGAOKAR,  
Deputy Governor.

Dated the 17th day of June 1959.

[No. F 3(2)-BC/59.]  
A. BAKSI, Jr. Secy.

ERRATUM

In the statement of Affairs of the Reserve Bank of India as on 29th May, 1959, appearing in the Gazette of India, Part II—Section 3(ii), dated 13th June, 1959, as S.O. 1323, the following correction is to be made:—

Page 1358, in the Assets column under Banking Department against 'investments'—

for "Rs. 28 ,69,92,000"  
read "Rs. 288,69,92,000".

**(Department of Economic Affairs)***New Delhi, the 27th June 1959***THE STATES REORGANISATION (REMOVAL OF DIFFICULTIES) ORDER  
No. 8.**

**S.O. 1419.**—In exercise of the powers conferred by section 128 of the States Reorganisation Act, 1956 (37 of 1956), the President hereby makes the following Order, namely:—

1. (1) This Order may be called the States Reorganisation (Removal of Difficulties) Order No. 8.

(2) It shall come into force at once.

2. The liability of an existing State in respect of pensions drawn in a State other than the successor State or any of the successor States shall be the liability of the successor State, or, if there be two or more successor States, of the principal successor State, subject to the adjustments to be made in accordance with the provisions of paragraph 3 of the Fifth Schedule to the States Reorganisation Act, 1956, as if such pensions had been referred to in paragraph 1 thereof.

**Explanation.**—In this paragraph, the expressions “existing State”, “successor State” and “Principal successor State” have the meanings respectively assigned to them in the States Reorganisation Act, 1956.

(Sd.) **RAJENDRA PRASAD,**

President,

[No. F. 21(19)-B/56.]

**M. V. RANGACHARI,** Special Secy.

**THE BIHAR AND WEST BENGAL (TRANSFER OF TERRITORIES) REMOVAL  
OF DIFFICULTIES ORDER NO. 2**

**S.O. 1420.**—In exercise of the powers conferred by section 51 of the Bihar and West Bengal (Transfer of Territories) Act, 1956 (40 of 1956), the President hereby makes the following Order, namely:—

1. (1) This Order may be called the Bihar and West Bengal (Transfer of Territories) Removal of Difficulties Order No. 2.

(2) It shall come into force at once.

2. The liability of the State of Bihar in respect of pensions drawn in a State other than the States of Bihar and West Bengal shall be the liability of the State of Bihar, subject to the adjustments to be made in accordance with the provisions of paragraph 3 of the Schedule to the Bihar and West Bengal (Transfer of Territories) Act, 1956, as if such pensions had been referred to in paragraph 1 thereof.

(Sd.) **RAJENDRA PRASAD,**

President,

[No. F. 21(19)-B/56.]

**M. V. RANGACHARI,** Special Secy.

**(Department of Revenue)****CORRIGENDUM****ESTATE DUTY***New Delhi, the 19th June 1959*

**S.O. 1421.**—In the Ministry of Finance (Department of Revenue) notification S.R.O. 266 dated the 11th March, 1958 appearing on pages 180 to 186 of the Gazette

of India dated the 22nd March, 1958 Part II, Section 3(ii), on page 182, against Serial No. 25 for "Shri Mistri, P.J., A.I.I.A.", read "Shrimati Mistri, P.J., A.I.I.A."

[No. 21/F. No. 5/29/58-ED.]

P. K. GHOSH, Under Secy.

## CENTRAL BOARD OF REVENUE

### INCOME-TAX

New Delhi, the 12th June 1959

**S.O. 1422.**—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby directs that in their notification S.O. 929 No. 34 Income-tax dated the 27th April 1959 at pages 1038-1039 of Part II Section 3(ii) of the Gazette of India dated the 2nd May 1959:—

- (a) against 'C' Range, Calcutta for "4. Cinema Circle, West Bengal". 5. Cinema Circle, Calcutta" read "4. Cinema Circle I. 5. Cinema Circle II.
- (b) for "K" Range, Asansol", and "L" Range, Jalpaiguri" read Burdwan Range, Burdwan and 'L' Range, Calcutta.

[No. 73 (F. No. 50/32/59-IT).]

**S.O. 1423.**—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following further amendments in the schedule appended to its notification S.O. 660 No. 35—Income-tax dated the 22nd April, 1958, namely:—

In the said schedule under the sub-head "VIII-Delhi and Rajasthan" against—

"B" Range, New Delhi. In entry No. 5 after the letter and figure 'A-I' and before the letter and figures 'A-II' the following letter and figures shall be inserted, namely:—  
"A-I(1)".

"D" Range, New Delhi. In entry No. 1, after the letter and figures 'B-XII' and before the letter and figures 'B-XIII' the following letter and figures shall be added, namely:—  
"B-XII(1)".

After the entry '2. Wards Nos. VII(1), VII(2), VII(3) and VII(4)' the following entry shall be added, namely:—

"3. Income-tax cum Wealth-tax Circle V, New Delhi".

This notification shall take effect from the 1st June, 1959.

### Explanatory Note

**NOTE.**—The amendments have become necessary due to the creation of new Income-tax Circles in the charge of the Commissioner of Income-tax, Delhi and Rajasthan.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 74 (F. No. 50/25/59-IT.)]



New Delhi, the 20th June 1959

**S.O. 1424.**—In exercise of the powers conferred by sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) the Central Board of Revenue hereby makes the following further amendments to its notification S.O. 660 No. 35-Income-tax dated the 22nd April, 1958, namely :—

In the schedule annexed to the said notification

(a) under the sub-head "IV-Bombay City" for all the existing entries in Cols. 1 and 2 the following entries shall be substituted, namely :—

'A' Range, Bombay .	1. A-I Ward. 2. Special Survey Circle VI. 3. A-III Ward. 4. A-IV Ward.
'B' Range, Bombay .	1. Market Ward. 2. Special Survey Circle I. 3. C-II Ward. 4. A-V Ward. 5. Refund Circle, Bombay.
'C' Range, Bombay .	1. Companies Circle IV (All Sections). 2. Bombay Circles I to XII. 3. Non Residents' Refund Circle. 4. Foreign Section. 5. Evacuee Circle I. 6. Special Investigation Branch.
'D' Range, Bombay .	1. Companies Circle II (All Sections). 2. Salaries Branch I. 3. Salaries Branch II.
'E' Range, Bombay .	1. G Ward. 2. D-II Ward.
'F' Range, Bombay .	1. C-III Ward. 2. E-Ward. 3. Special Survey Circle III.
'G' Range, Bombay .	1. C-IV Ward.
'H' Range, Bombay .	1. B-III Ward.
'K' Range, Bombay .	1. D-I Ward. 2. Evacuee Circle II.
'L' Range, Bombay .	1. Companies Circle III (All Sections).
'M' Range, Bombay .	1. C-I Ward. 2. B-I Ward.
'N' Range, Bombay .	1. Bombay Suburban District. 2. Special Survey Circle IV. 3. Special Survey Circle V.
'P' Range, Bombay .	1. Companies Circle I (All Sections).
'Q' Range, Bombay .	1. B-II Ward. 2. Special Survey Circle II.
'R' Range, Bombay .	1. A-II Ward.

(b) after the entries in Cols. 1 & 2 under the sub-head "XV-West Bengal" the following entries shall be added, namely :—

**"XVI-Bombay Central"**

Central Range, Bombay .	1. Central Sections I to XIV. 2. Central Circles IA to IC and IIA to IIB.
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This notification shall take effect from the 6th July, 1959.

**Explanatory Note**

**NOTE :—**The amendments have become necessary as a result of the re-organisation of the Appellate Ranges.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 76 (F. No. 50/21/59- IT.)

D. V. JUNNARKAR, Under Secy.

**COLLECTORATE OF CENTRAL EXCISE, CALCUTTA****CENTRAL EXCISE**

*Calcutta, the 4th June 1959.*

**S.O. 1425.**—In exercise of the powers conferred on me by rule 5 of Central Excise Rules, 1944, I hereby authorise the Superintendents of Central Excise in the Collectorate of Central Excise, Calcutta, to exercise the powers of Collector under rule 9 *ibid*, for according permission to open account current in respect of the manufacturers of V.N.E. Oil only subject to the condition that the account current shall be maintained in the name of the Collector.

[No. 9/1959.]

S. P. KAMPANI, Collector.

**CENTRAL EXCISE COLLECTORATE, ALLAHABAD**

*Allahabad, the 15th June 1959*

**S.O. 1426.**—In exercise of the powers conferred upon me by Rule 233 of C.E. Rule, 1944, I hereby direct that the manufacturers of excisable goods, within the jurisdiction of Central Excise Collectorate, Allahabad, shall communicate the full particulars of the loss or destruction of excisable goods by unavoidable accident, e.g., fire, flood, theft, etc., to the Central Excise Officer Incharge of the factory within 24 hours of its occurrence in pursuance of the first proviso to rule 49(2) of Central Excise Rules, 1944. Failure to notify such loss or destruction of excisable goods within the period specified above will render the licensee liable for payment of excise duty on the goods lost or destroyed.

[No. 8/59.]

J. BANERJEE, Collector.

**CENTRAL EXCISE COLLECTORATE, BARODA****CENTRAL EXCISE**

*Baroda, the 16th June 1959*

**S.O. 1427.**—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944 I authorise all Superintendents of Central Excise in Baroda Collectorate to exercise powers of the Collector under Rule 9 *ibid*, to accord permission to open accounts current in respect of Vegetable Non-essential Oil manufacturers only. The accounts current shall be maintained in the name of the Collector.

[No. 1/59.]

R. PRASAD, Collector.

**MINISTRY OF COMMERCE & INDUSTRY**

*New Delhi, the 16th June 1959*

**S.O. 1428.**—In exercise of the powers conferred by sub-section (1) of section 10 of the Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952), and rule 13 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Central Government, in consultation with the Indian Standards Institution, hereby directs that any power exercisable by the said Institution, under clause (e) of section 3 of the said Act, shall be exercisable also by the Deputy Director General (Inspection), Directorate General of Supplies and Disposals, Ministry of Works, Housing and Supply, Government of India, in relation to picks and beaters manufactured by the Tata Iron and Steel Co. Ltd., Agrico Department, Jamshedpur, subject to the condition that the picks and beaters shall be inspected in accordance with the procedure laid down by the Indian Standards Institution in consultation with the Inspection Wing of the Directorate General of Supplies and Disposals, Ministry of Works, Housing and Supply, Government of India.

[No. 23(45)-TMP/58.]

*New Delhi, the 19th June 1959*

**S.O. 1429.**—In exercise of the powers conferred by section 8 of the Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950), the Central Government hereby directs that the following addition shall be made to the Schedule to the said Act, namely:—

- “(12) The word ‘Interpol’ which is an integral part of the International Criminal Police Organization.”

[No. 12(1)-TMP/59.]

K. RAJARAMAN, Under Secy.

*New Delhi, the 20th June 1959*

**S.O. 1430.**—The following amendment made by the Bombay Oilseeds and Oils Exchange Ltd., Bombay to its rules in exercise of the powers conferred on it by sub-section (1) of section 9A of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), and approved by the Central Government is hereby published as required by sub-section (2) of that section, namely:—

2. In the said rules, for clause (c) of Article 24 the following shall be substituted, namely:—

- (c) (i) All the present members of the Exchange shall be included in one or the other of the panels mentioned in clause (a) above according to the predominant interest of each of them.
- (ii) A member in the first instance may declare the panel to which he desires to belong, but the particular panel in which he will be included shall be decided as hereinafter provided.
- (iii) The Board shall at all times have power to consider the question of altering the panel of a member either at the request of a member in respect of his allocation or at its own initiative on the basis of such information as it might have in its possession including such representations or objections as it might receive from a member in respect of another member regarding the latter's inclusion in a particular panel.
- (iv) The Board shall at all times have power to obtain such information including representations or objections from a member in respect of another member regarding the latter's inclusion in a particular panel, as it may deem proper and reasonable in order to determine the predominant interest of members.
- (v) The Board shall hear the member and take into consideration the representation made by him, before altering his panel.
- (vi) No change in panel of any member shall take effect until after the elections are over if such change has taken place during forty five days preceding the day fixed for election of the Directors.
- (vii) In respect of allocation of panel to a member, if there be agreement between the member concerned and the Board as to the panel in which he should be included, the member shall be included in such panel; if there is a difference of opinion between the member concerned and the Board regarding the panel in which he should be included, he shall be included in such panel as the President of the Exchange may, in consultation with, and with the approval of, the Chairman of the Forward Markets Commission decide. The decision arrived at in the manner provided herein shall be binding on all members. This provision shall apply wherever the question of allocation of panel or change of panel has to be decided at any stage or at any time.
- (viii) The provisions hereinbefore contained regarding allocation of panel shall also apply to a member who may hereafter apply for membership of the Exchange.
- (ix) No member shall be included in more than one panel.

- (x) The total number of members in any panel is not restricted but may vary from panel to panel.
- (xi) Where a member ceases to carry on or changes the business entitling him to belong to any particular panel, he shall intimate to the Board of such cessation or change, and the Board may take such action thereon as it may deem fit.

[No. 33(20)-TMP/FMC/58.]

K. V. VENKATACHALAM, Jt. Secy.

#### TEA CONTROL

*New Delhi, the 15th June 1959*

**S.O. 1431.**—In exercise of the powers conferred by section 4 of the Tea Act, 1953 (29 of 1953) read with sub-rule (3) of rule 4 and sub-rule (2) of rule 5 of the Tea Rules, 1954, the Central Government hereby appoints Messrs. N. S. Coldwell and R. P. L. Pennell as members of the Tea Board, who shall hold office until the 31st March, 1960, in the vacancies caused by the resignation of Messrs. L. T. Carmichael and J. H. Kilburn, respectively and makes the following further amendments in the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 944, dated the 17th March, 1954, namely:—

In the said notification, in the category of members representing owners of tea estates and gardens and growers of tea, for the entries—

“7. Mr. L. T. Carmichael, Director, Messrs. Duncan Brothers & Co. Ltd., Calcutta” and “10. Mr. J. H. Kilburn, Makum (Assam) Tea Co. Ltd., Margherita Post Office, Assam”

the following entries shall be substituted respectively, namely:—

“7. Mr. N. S. Coldwell, Messrs. James Finlay & Co. Ltd., Calcutta”; and

“10. Mr. R. R. L. Pennell, Pertabghur Tea Estate, Sootea Post Office, Darrang, Assam”.

[No. 7(1)PLANT(A)/57.]

R. R. RAO, Under Secy.

#### TEA CONTROL

*New Delhi, the 20th June 1959*

**S.O. 1432.**—In exercise of the powers conferred by section 4 of the Tea Act, 1953 (29 of 1953) and sub-rule (3) of rule 4 of the Tea Rules, 1954, the Central Government hereby appoints the Deputy Secretary to Government, Department of Industries, Labour and Co-operation, Government of Madras, Madras (*ex-officio*) or as a member of the Tea Board and makes the following further amendment in the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 944, dated the 17th March, 1954, namely:—

In the said notification, in the category of members representing the Governments of the principal tea growing States, for the entry “5. Shri A. Venkatesan, I.A.S., Director of Agriculture, Government of Madras, Madras”, the following entry shall be substituted, namely:—

“5. The Deputy Secretary to Government, Department of Industries, Labour and Co-operation, Government of Madras, Madras (*ex-officio*).”

[No. 7(5)Plant(A)/59.]

P. V. RAMASWAMY, Under Secy.

## RUBBER CONTROL

*New Delhi, the 22nd June 1959*

**S.O. 1433.**—In pursuance of sub-section (2) of Section 6A of the Rubber Act, 1947 (24 of 1947), the Central Government has appointed Shri S. K. Moorthy, an officer officiating in Grade III of the Central Secretariat Service, as Secretary of the Rubber Board, Kottayam, until further orders.

2. Shri S. K. Moorthy took charge of the post on the forenoon of the 5th June, 1959.

[No. 21(13)Plant(B)/58.]

A. J. KIDWAI, Dy. Secy.

## ORDERS

*New Delhi, the 23rd June 1959*

**S.O. 1434/IDRA/6/16/Am(2).**—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Sarwashri Prem Nath, P. R. Bhatt and Prof. L. M. Rajpal as members of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry S.O. 758 dated the 4th April, 1959 for the scheduled industries engaged in the manufacture or production of Automobiles, Automobile Ancillary Industries and Transport Vehicle Industries, and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order, under the category of members who, "in the opinion of the Central Government, are capable of representing the interests of consumers of goods manufactured or produced by the said scheduled industries," after entry No. 18 relating to Shri M. D. Daftry, the following shall be inserted, namely:—

"19. Shri P. R. Bhatt, President, Western India Automobile Association, Post Box No. 211, Bombay".

And similarly, under the category of persons, who "in the opinion of the Central Government have special knowledge of matters relating to the technical or other aspects of the said scheduled industries", after entry No. 15A, relating to Shri Duleep Singh, the following shall be inserted, namely:—

"15B. Prof. L. M. Rajpal, Professor of Automobile Engineering, Victoria Jubilee Institute, Bombay.

15C. Shri Premnath, C/o Premnath Motors Ltd., Scindia House, Connaught Place, New Delhi."

[No. 4(17)IA(II)(G)/59.]

**S.O. 1435/IDRA/6/16/AM(3).**—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951, (65 of 1951), the Central Government hereby appoints Mr. P. Matthen as a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry S.O. 758, for the scheduled industries engaged in the manufacture or production of Automobiles, Automobile Ancillary Industries and Transport Vehicle Industries, and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order, under the category of members "being persons who, in the opinion of the Central Government are capable of representing the interests of owners of industrial undertakings in the said scheduled industries", for entry No. 5 relating to Shri M. S. Shastri, the following shall be substituted namely:—

"5. Shri P. Matthen, M/s Automobile Products of India Ltd., Bhandup, Bombay."

[No. 4(17)IA(II)(G)/59.]

A. K. CHAKRAVARTI, Under Secy.

## (Indian Standards Institution)

New Delhi, the 16th June 1959

**S.O. 1436.**—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955 the Indian Standards Institution hereby notifies that amendments to the Indian Standards given in the Schedule hereto annexed have been issued under the powers conferred by sub-regulation (f) of regulation 3 of the said regulations.

## THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of Amendment	Brief Particulars of Amendment	Date of effect of the Amendment
1	2	3	4	5	6
1	IS: 658-1956 Code of Practice for Magnesium Oxide Composition Floors ( <i>Tentative</i> )	S.R.O. 2203 dated 29 September 1956	No. 1 June 1959	The existing sub-clause 5.1.2 has been deleted and substituted by the new sub-clause reading as follows:— '5.1.2 The subfloors may be of concrete, brick, tile, wood, aluminium, galvanized or otherwise adequately protected steel or iron, but highly absorbent materials, such as pumice concrete, breeze or clinker concrete and aerated concrete, shall not be used unless a layer of damp-proof course is laid between the subfloor and the main floor.'	1st July 1959


Copies of the amendment slip are available, free of cost, with the Indian Standards Institution 'Manak Bhavan' 9, Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 40/40A, Cawasji Patel Street, Fort, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1 and (iii) 2/21 First Line Beach, Madras-1.

[No. MCD/11(9)].

**S.O. 1437.**—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the rules and regulations framed thereunder, shall come into force with effect from 25th June 1959.

## THE SCHEDULE

Design of the Standard Mark	No. and title of relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)
	IS:632-1958 Specification for BHC Emulsifiable Concentrates ( <i>Revised</i> )	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions as indicated in column (1), the number designation of the Indian Standard being inscribed in the top side of the monogram as indicated in the design.

[No. MDC/11(5).]

**S.O. 1438.**—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been established during the period 1st to 15th June, 1959.

## THE SCHEDULE

Sl. No.	No. and title of the Indian Standard established	No. and title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1.	IS : 28-1958 Specification for Phosphor Bronze Ingots and Castings ( <i>Revised</i> )	IS :28-1950 Phosphor Bronze Ingots and Castings.	This standard covers the requirements of a single grade of phosphor bronze ingots and castings designated as Grade PBz 10. This standard does not cover the requirements for round bars of diameter 13 mm (or 0.5 in.) and below. (Price Rs. 1.50.).
2.	IS : 267-1958 Specification for Leclanche Type Inert Cells ( <i>Revised</i> ).	IS :28-1951 Specification for Leclanche Type Inert Cells.	This standard lays down the dimensions, tests and performance requirements of Leclanche type inert cells, used for telecommunication purposes. (Price Rs. 1.50).
3.	IS : 682-1958 Method for Determination of Ends and Picks per Centimetre in Woven Wool Fabrics.	..	This standard prescribes two methods for determining ends and picks per centimetre in woven woollen and worsted fabrics. Generally speaking the first method is applicable to unmilled fabrics and the second method to milled fabrics. (Price Re. 1.00).
4.	IS:922-1958 Specification for Cook's Knives.	..	This standard covers the requirements for : (a) Cook's Knives, Large 230 mm (or 9 in.) (b) Cook's Knives, Small, 115 mm (or 4½ in.) (Price Re. 1.00).

(1)	(2)	(3)	(4)
4-A.	IS: 923-1958 Specification for Carving Knives.	..	This standard covers the requirements for carving knives. (Price Re. 1.00).
5.	IS : 925-1958 Specification for Pocket Knives.	..	This standard covers the requirements for pocket knives (pen knives). (Price Re. 1.00).
6.	IS : 963-1958 Specification for Chrome-Molybdenum Steel Bars and Rods for Aircraft Purposes.	..	This standard covers the requirements for chrome-molybdenum steel bars and rods for aircraft purposes. (Price Rs. 1.50).
7.	IS: 1079-1958 Specification for Light Gauge Structural Quality Hot Rolled Carbon Steel Sheet and Strip.	..	This standard covers the requirements for three grades of hot-rolled carbon steel sheet and strip, intended for structural purposes, within the following ranges of thicknesses and widths : Thickness—1.2 mm to 4.5 mm (or 0.048 to 0.18 in.) Width—Upto 1200 mm (or 48 in.) (Price Rs. 1.50).
8.	IS : 1138-1958 Sizes of Metal Strip, Sheet, Bars (Round and Square), Flats and Plate (For Structural and General Engineering Purposes).	..	This standard specifies nominal sizes for metal strip, sheet, bars (round and square), flats and plate in millimetres, for structural and general engineering purposes. (Price Re. 1.00).
9.	IS:1270-1959 Specification for Metric Steel Tape Measures (Winding Type)	..	This standard covers the requirements for metric steel tape measures, provided with automatic or hand-winding arrangement. (Price Re. 1.00).
10.	IS:1298-1958 Methods of Test for Determination of Free Lime in Portland Cement.	..	This standard lays down methods of test for determining free lime content in Portland cement. Three methods of test, namely, Ethanol-Glycerol Method, Ethanol-Glycerol Rapid Method and Ethylene-Glycol Method have been described in this standard. The method described under 2 is more accurate and in cases of dispute, results obtained by this method shall govern. The other two methods described under 3 and 4 are given for those who wish to use shorter or more convenient procedures for routine determination of free lime content in cement. (Price Rs. 1.50).
11.	IS:1305-1958 Specification for Graphite for Use as Foundry Facing Material.	..	This standard covers the requirements for two grades of graphite for use as facing material in foundry. (Price Rs. 1.50.).
12.	IS:1312-1958 Specification for Methyl Bromide.	..	This standard prescribes the requirements and the methods of test methyl bromide use as a fumigant. (Price Rs. 1.50.)



(1)	(2)	(3)	(4)
13.	IS:1317-1958 Specification for Edible Tapioca Chips.	..	This standard prescribes the requirements and the methods of test for edible tapioca chips. (Price Rs. 2.00).
14.	IS:1318-1958 Specification for Edible Tapioca Flour.	..	This standard prescribes the requirements and the methods of test for edible tapioca flour (Price Rs. 1.50).
15.	IS:1333-1958 Specification for Ink, Duplicating, All Weather, Black, for Drum Type Machines	..	This standard covers the requirements and the methods of test for the material commercially known as ink, duplicating, all weather, black, for drum type machines. (Price Rs. 1.00).
16.	IS:561-1958 Specification for BHC Dusting Powders (Revised).	IS:561-1955 Specification for BHC Dusting Powders.	This standard prescribes the requirements and the methods of test for BHC dusting powders containing varying percentages of gamma isomer of BHC. (Price Rs. 2.50).
17.	IS:562-1958 Specification for BHC Water Dispersible Powder Concentrates (Revised).	IS:562-1955 Specification for BHC Dusting Powder Concentrates.	This standard prescribes the requirements and the methods of test for BHC (benzene hexachloride) water dispersible powder concentrates containing varying percentages of gamma isomer of BHC. (Price Rs. 2.50).
18.	IS:632-1958 Specification for BHC Emulsifiable Concentrates (Revised).	IS:632-1956 Specification for BHC Emulsifiable Concentrates.	This standard prescribes the requirements and the methods of test for BHC (benzene hexachloride) emulsifiable concentrates. (Price Rs. 5.00).

Copies of these Indian Standards are available for sale with the Indian Standards Institution 'Manak Bhavan', 9 Mathura Road, New Delhi-1 and also at its Branch Offices at (i) 40/40A Cawasji Patel Streetn, Fort, Bombay-1, (ii) P-11, Mission Row Extension, Calcutta-1, (iii) 2/21 First Line Beach, Madras 1.

[No. MDC/11(4)].

**S.O 1439** → In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slips, particulars of which are given in column (4) of the Schedule here to annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

#### THE SCHEDULE

Sl No.	No and title of Indian Standard	No and date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of Errata Slip Issued
(1)	(2)	(3)	(4)
1	IS:1005-1957 Specification for Edible Maize Starch (Corn Flour)	S R.O. 3809 dated 30 November 1957.	At page 2, clause 2.1, line 3 please read '(Zea mays)' for '(Zea mays)'
2	IS:1009-1957 Specification for Maize	S.R.O. 3640 dated 16 November 1957.	At page 9, clause K-1.1, col 1, line 3, please read '0.19 mm' for '0.17 mm'

(1)	(2)	(3)	(4)
3.	IS:1046-1957 Specification for Cash Boxes	S.R.O. 3341 dated 19 October 1957	At page 4, Fig 1 please include the following information under Fig 1 B: Size (Overall) = 355 mm × 255 mm × 150 mm (or 14" × 10" × 6"), tolerance ± 2.5 mm (or 0.10") Weight = 10.8 kg (or 29 lb) (approx) Thickness of detachable bottom (not shown in figure) → 14 SWG [2.03 mm (or 0.08")] Minimum depth of engagement of bolt → 8 mm (or 5/16") Minimum thickness of pivot bar → 12 mm (or 1/2") Minimum thickness of pivot bracket → 3 mm (or 1/8")
4.	IS:1158-1957 Specification for Corn Flakes	S.O. 138 dated 11 March 1959	At page 2, clause 3.1, line 2 please read '(Zea mays)' for '(Zea maize)'

Copies of these errata slips are available, free of cost, with the Indian Standards Institution 'Manak Bhavan', 9 Mathura Road, New Delhi-1 and also at its Branch Offices at (i) 40/40A Cawasji Patel Street, Fort, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1 and (iii) 2/21 First Line Beach, Madras-1.

[No. MDC/11(10)]

**S.O. 1440**—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for BHC Emulsifiable Concentrates, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 25th June 1959.

#### THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
1.	BHC Emulsifiable Concentrates.	IS:632-1958 Specification for BHC Emulsifiable Concentrates ( <i>Revised</i> )	One gallon	30 naye Paise.

[No. MDC/11(6)]

C. N. MODAWAL,  
Deputy Director (Marks),

#### MINISTRY OF STEEL, MINES AND FUEL

(Department of Iron and Steel)

New Delhi, the 19th June 1959

**S.O. 1441/ESS.COMM/IRON AND STEEL-2(c)/AM(43)**.—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India in the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS.COMM/IRON AND

**STEEL-2(c)**, dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in column 2 thereof, against 'MADRAS' for the existing entry No. 4, the following shall be substituted, namely:—

"4. Joint Director of Agriculture (Engineering), Government of Madras, Madras."

[No. SC(A)-1(7)/59.]

**S.O. 1442/ESS.COMM/IRON AND STEEL-2(c)/AM(44).**—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India, in the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS.COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in columns 2 and 3 thereof, against 'BIHAR', the following entry shall be added, namely:—

2.	3.
"8. Special Officer Incharge Rationing, Government of Bihar, Patna.	5."

[No. SC(A)-1(3)/59.]

J. S. BAIJAL, Under Secy.

## MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

New Delhi, the 16th June 1959

**S.O. 1443.**—The following draft of an amendment which the Central Government proposes to make in the Creamery Butter Grading and Marketing Rules, 1941 in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) is published as required by the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration after 20th July, 1959.

Any objections or suggestions which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

### Draft Amendment

In the said rules for rule 6, the following rule shall be substituted:—

"6. *Marking provisions.*—

(1) The grade designation mark shall be securely affixed to or printed on each tin, carton or packet of butter. In the case, however, of firms using automatic filling and packing machines, if the Agricultural Marketing Adviser to the Government of India is satisfied regarding the *bona fides* of the party as well as the quality of butter produced, he may permit the party to print prominently every package of butter produced by him with the number of Certificate of Authorisation issued to him under the General Grading and Marking Rules, 1937, the word 'Agmark' and the grade of the butter, in the manner prescribed by him. No label as given in Schedule II shall in such cases be necessary to be affixed on the package and the butter shall be deemed to have been properly graded.

(2) In addition to the above the following particulars shall also be clearly and indelibly marked on each container:—

- (a) date of packing in code or plain letters, on cartons and packages containing 8 oz. or more of butter and in plain letters on tins,
- (b) place of packing,
- (c) serial number of the churnings,
- (d) net weight of butter contained in it at the time of packing, except in the case of standard packs which contain 1 oz., 2 oz., 4 oz., 1 lb., 5 lb., 7 lb., or 36 lb. net butter in them at the time of packing.

[F. 3-1/59-AM.]

*New Delhi, the 20th June 1959*

**S.O. 1444.**—In exercise of the powers conferred by section 6 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby declares that the provisions of the said Act shall apply to the following article, namely:—

Oil cakes.

[No. F. 5-3/59-AM.]

V. S. NIGAM, Under Secy.

**(Department of Agriculture)**

**(Indian Council of Agricultural Research)**

*New Delhi, the 17th June 1959*

**S.O. 1445.**—In pursuance of the provisions of sub-section (d) of Section 4 of the Indian Central Oilseeds Committee Act, 1946 (9 of 1946), the Central Government hereby, nominate Shri T. S. Kunchithapatham, Under Secretary, Ministry of Commerce and Industry, New Delhi, to be a member of the Indian Central Oilseeds Committee, with effect from the 1st April, 1959, for a term of three years.

[No. F. 6-2/56-Com.I/II.]

AJUDHIA PRASADA, Under Secy.

**MINISTRY OF HEALTH**

*New Delhi, the 19th June 1959*

**S.O. 1446.**—In pursuance of sub-section (2) of section 15 of the Indian Nursing Council Act, 1947 (48 of 1947), the Central Government hereby makes the following amendments in the Schedule to the said Act, namely:—

In the said Schedule, in Part I—

(1) Under the heading "A-General Nursing," after entry 31, the following entry shall be inserted, namely:—

"32. The Orissa Nurses and Midwives Examination Board.;"

(2) Under the heading "B-Midwifery", after entry 7, the following entry shall be inserted, namely:—

"8. The Orissa Nurses and Midwives Examination Board.;"

(3) Under the heading "C-Auxiliary Nursing-Midwifery", after entry 2, the following entry shall be inserted, namely:—

"3. The Orissa Nurses and Midwives Examination Board."

[No. F.27-20/59-MII(B).]

**S.O. 1447.**—It is hereby notified for general information that in pursuance of the provisions of sub-section (2) of section 10 and sub-section (1) of section 15 of the Indian Nursing Council Act, 1947 (48 of 1947), the Indian Nursing Council has, by a resolution passed at its meeting held on the 24th February, 1959, declared that the following qualifications shall be recognised qualifications for the purposes of the said Act, namely:—

“Certificates in general nursing, midwifery and auxiliary nursing midwifery granted by the Orissa Nurses and Midwives Examination Board.”

[No. F.27-20/59-MII(A).]

R. NARASIMHAN, Under Secy.

## MINISTRY OF TRANSPORT AND COMMUNICATIONS

### (Department of Transport)

#### (Transport Wing)

#### PORTS

New Delhi, the 12th June 1959

**S.O. 1448.**—In pursuance of sub-section (3) of section 6 of the Bombay Port Trust Act, 1879 (Bombay Act 6 of 1879), the Central Government publishes the following return received from the Secretary, The Millowners' Association, Bombay, namely:—

*Return showing the name of the person elected by the Millowners' Association, Bombay in accordance with the provisions of section 13(3) of the Bombay Port Trust Act, to be a member of the Board of Trustees of the Port of Bombay during the temporary absence on leave of Shri A. N. Mafatlal.*

Date of election	Name of person elected
1st June, 1959.	Shri T. V. Baddeley, C.B.E.

[No. 8-PG(52)59.]

MISS I. INDIRA, Under Secy.

## MINISTRY OF IRRIGATION AND POWER

### ORDER

New Delhi, the 19th June 1959

**S.O. 1449.**—In exercise of the power conferred by the proviso to sub-rule (1) of rule 45 of the Indian Electricity Rules, 1956 the Central Government are pleased to exempt all mines and oil-fields in India, except the State of Jammu and Kashmir, from so much of the said sub-rule, as requires electrical installation works to be carried out by an electrical contractor licensed by the State Government in this behalf, subject to the following conditions:—

- (a) there shall be employed at the mine—or oil-field/unit a competent person, holding an appropriate certificate of competency (covering mining installations) and such competent person shall be authorised to supervise electrical installation works in the premises of the said mine or oil-field;
- (b) notice of such appointment, containing the name of the person concerned and full particulars of the Certificate of Competency held by him, shall be forthwith sent by the owner, agent or manager of the mine or oil-field unit to the Electric Inspector of Mines; the notice shall also be duly countersigned by the person so appointed in token of acceptance of his responsibilities enjoined on him by the said authorisation;
- (c) the certificate held by the person concerned and his competency to perform the job that would be entrusted to him, shall be subject to the scrutiny and approval of the Electric Inspector of Mines;

- (d) that in the event of absence from duty of such an electrical supervisor by reason of his sickness, leave, resignation, discharge, etc., no electrical installation works shall be carried out within the premises of the mine or the oil-field/unit, and if the period of absence extends or is likely to extend more than seven days, immediate notice to this effect shall be sent to the Electric Inspector of Mines for his necessary record;
- (e) that no electrical supervisor shall be appointed to undertake nor shall he undertake the duties of supervision of electrical installations at more than one mine or oil-field unit, without prior permission in writing from the Electric Inspector of Mines and subject to such conditions as the said Inspector may specify therein. The Electric Inspector may, at any time, by an order in writing, vary or revoke such permission.

[No. EL-III-3(10)/58.]

N. S. VASANT.

Officer on Special Duty.

### MINISTRY OF REHABILITATION

*New Delhi, the 19th June 1959*

**S.O. 1450.**—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties in the State of Delhi specified in the schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by Section 12 of Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the evacuee properties specified in the Schedule below:—

S. No.	Particulars of Evacuee Property	Name of the town and locality in which the evacuee property is situated	Name of the evacuee owner	parentage of the evacuee owner
1.	XVI/1130/1191	Najwala Karol Bagh Delhi.	Lal Mohamed	Not known.

[No. F. 1(1218)-58/Comp.III/Prop.]

M. L. PURI, Under Secy.

### MINISTRY OF COMMUNITY DEVELOPMENT AND CO-OPERATION

(Department of Co-operation)

*New Delhi, the 20th June 1959*

**S.O. 1451.**—In exercise of the powers conferred by sub-section (1) of Section 4 of the Multi-Unit Cooperative Societies Act, 1942 (6 of 1942) and in supersession of the notification of the Government of India, in the Ministry of Agriculture No. F. 11-22/56-Coop.I, dated the 29th December, 1956, the Central Government hereby appoints *Shri S. S. Puri, I.A.S.*, Deputy Secretary in the Department of Co-operation, Ministry of Community Development and Co-operation, Government of India as the Central Registrar of Cooperative Societies.

[No. 7-9/59-Coop.I.]

RAM DEV, Under Secy.

**MINISTRY OF LABOUR AND EMPLOYMENT**

*New Delhi, the 15th June 1959*

**S.O. 1452.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Ballarpur Colliery and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY**

REFERENCE (CGIT) No. 8 of 1959.

In the matter of Ballarpur Colliery

AND

Their Workmen.

PRESENT:

Shri F. Jeejeebhoy, Judge.

**APPEARANCES:**

*For the Management:* Shri A. S. Bobde, with M/s. M. L. Vaidya and G. L. Sanghi, Advocates.

, *For the Workmen:* Shri D. H. Dharap, Pleader, with Shri Ebrahim Khan, General Secretary of Colliery Mazdoor Seva Mandal, Ballarpur.

**AWARD**

By an Order of 6th March 1959 the Government of India in the Ministry of Labour and Employment has referred to this Tribunal an industrial dispute between the Ballarpur Colliery and its workmen on the following issue:—

“Whether the management of Ballarpur Colliery was justified in placing Shri Mustafa Khan, Fitter, in Category VIII under the Award of the All India Industrial Tribunal (Colliery Disputes) and if not, to what relief he is entitled?”

Shri Mustafa Khan claims that he should be in category X, but he can be in category X only if he is a Fitter (Head Colliery), which means I take it the Head Fitter of the Colliery. Shri Mustafa Khan has put in about 20 years of service and has worked well. He has been designated as Coal Cutting Machine Fitter, and if that is the correct designation he would not fall within the category X.

At page 81 of Vol. II of the Collieries Award which deals with Fitters, it is stated that Fitters may be grouped into five grades. Those in the lowest grade are only able to do the simplest types of work whereas those in the highest grade are experienced general fitters capable of inspecting colliery machinery and switchgear and of undertaking skilled repair work under direction, and of operating machinery, plant, machine tools, switches gear, etc., and the fitters referred to are given number (250). These fitters, class 250, are to be found in categories VII, IX and X, and I am now to decide as to which category should be given to Shri Mustafa Khan. He is in category VIII at present for no other reason except that the management felt that category VII was a little low for him and category IX too high. It will be observed from the statement showing the details of the fitters employed in the present colliery that out of 9 fitters, 6 are in category IV and 2 are monthly paid, and Shri Mustafa Khan who is designated as Coal Cutting Machine Fitter is in category VIII. In my opinion he is entitled to be placed in category IX because of his long service and because he is considered by the management to be a competent and a useful fitter who stands well ahead of the other underground fitters. His present position in category VIII is an anomaly in relation to the award. He has good certificates, but even the certificate, dated 10th January 1958 authorises Shri Mustafa Khan to work as a Coal Cutting Machine Fitter in the Ballarpur Colliery. Nowhere in any records has he been shown as head fitter of the colliery, and in fact he has been head of the fitters underground in the colliery.

The company contends that this Reference is invalid because it concerns a single individual, and that the claim of this individual has not been supported by a sufficiency of workmen or by an active Union. The Union however contends that it has 198 members on its roll out of a total of 1,900, and it is common ground that there are about six Unions in this concern, and the employers themselves admit that the Union now before me representing the case of Shri Mustafa Khan has a backing of about 100 workmen. It may be that the Union representing the case before me has lesser membership than some of the other Unions, but the fact remains that about 1,900 persons are divided between six Unions, and consequently it cannot be said that this Union before me has not a fair share of labour on its roll. In the circumstances I hold that the Reference is valid and cannot be challenged on the ground that it relates to the claim of an individual inadequately backed.

It is therefore directed that Shri Mustafa Khan should be placed in category IX with retrospective effect from 1st October 1958.

Now, therefore, I make my award accordingly.

(Sd.) F. JEEJEEBHoy, Judge,  
Central Government Industrial Tribunal  
at Bombay.

The 8th June 1959.

[No. LR II-2(167)/58.]

**S.O. 1453.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Ballarpur Colliery and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY**

**REFERENCE (CGIT) No. 5 OF 1959.**

**In the matter of Ballarpur Colliery**

**AND**

**Their Workmen.**

**PRESENT:**

**Shri F. Jeejeebhoy, Judge.**

**APPEARANCES:**

*For the Management:* Shri A. S. Bobde, with M/s. M. L. Vaidya and G. L. Sanghi, Advocates.

*For the Workmen:* Shri D. H. Dharap, Pleader with Shri Ebrahim Khan, General Secretary of Colliery Mazdoor Seva Mandal, Ballarpur.

**AWARD**

By an Order dated 22nd January 1959 the Central Government in the Ministry of Labour and Employment has referred to me an industrial dispute between the Ballarpur Colliery and their workmen on the following issue:—

“Having regard to the nature of duties performed by Shri P. K. Bhombe, whether he should be placed in clerical grade II, and if so, from what date?”

Shri Bhombe had been working in the grain shop which was closed, and thereupon from 1955 he was transferred to the magazine section. In the pay-sheet he was shown as Assistant Magazine Clerk. Shri Bhombe however was authorised by the concern to work as ‘Powder Magazine-in-charge’ under a certificate, dated 10th February 1955. This was done in pursuance of the Regulations. Shri Bhombe has been kept in grade III as Assistant Magazine Clerk, and he contends that he should be in grade II; and it may be here mentioned that Magazine Clerk can be in either grade II or grade III. The list of duties of Shri Bhombe have been shown in paragraph I of the Union's statement, and those duties have not been denied. It is also not denied that Shri Bhombe used to do work in the magazine of the nature receiving, storing and



issuing explosives. In fact he was thus doing some of the duties which would be normally performed by the Magazine-in-charge. It is true that Shri Situt, who was Magazine-in-charge, used to sign all the registers which were maintained by Shri Bhombe, but during the course of the hearing it came out that Shri Situt was also in charge of the powder making factory, which is one of the activities of this colliery. It would appear that Shri Situt was not able to devote himself fully to his work as Magazine-in-charge because of his being in charge of the powder making factory about 500 feet away, and so Shri Bhombe was given to him as an Assistant. Shri Situt is in grade I, and Shri Bhombe is in grade III; Shri Situt had been in grade II, but on his representation that he had put in long years of service and had done his work well, he was placed in grade I. In view of the fact that Magazine clerks are shown in grade III, as well as in grade II; and the Magazine-in-charge is also shown in grade II, it is evident that grade II has an application to a Magazine clerk who does work of higher responsibility than the Assistant Magazine clerk in grade III. I am satisfied that Shri Bhombe does work which is more onerous and more responsible than the work ordinarily done by an Assistant Magazine Clerk III, in that he actually receives, stores and issues explosives, in addition to the clerical work shown in paragraph I of the Union's statement.

The company contends that this Reference is invalid because it concerns a single individual, and that the claim of this individual has not been supported by a sufficiency of workmen or by an active Union. The Union however contends that it has 198 members on its roll out of a total of 1,900, and it is common ground that there are about six Unions in this concern; and the employers themselves admit that the Union now before me representing the case of Shri Bhombe has a backing of about 100 workmen. It may be that the Union representing the case before me has lesser membership than some of the other Unions, but the fact remains that about 1,900 persons are divided between six Unions, and consequently it cannot be said that this Union before me has not a fair share of labour on its roll. In the circumstances I hold that the Reference is valid and cannot be challenged on the ground that it relates to the complaint of an individual inadequately backed.

I consider that Shri Bhombe is entitled to be fixed in grade II with retrospective effect from 1st October, 1958.

Now, therefore, I make my award accordingly.

(Sd.) F. JEEJEEBHAY, Judge,  
Central Government Industrial Tribunal  
at Bombay.

The 8th June, 1959.

[No. LRH-2(168)/58.]

New Delhi, the 16th June 1959

**S.O. 1454.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Murlidih Colliery of Messrs Kalyanji Mavji & Co., P.O. Mohuda and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT  
DHANBAD.

Reference No. 60 of 1958

Employers in relation to the Murulidih Colliery

AND

Their workmen

PRESENT:

Shri Salim M. Merchant, B.A., LL.B., Presiding Officer.

APPEARANCES:

Shri D. Narsingh, Advocate, with Shri B. N. Sharma, Member, Executive Committee and Shri Ajodhya Gupta, Organising Secretary, Colliery Mazdoor Sangh, for the workmen.

Shri S. S. Mukherjee, Advocate, instructed by Shri R. C. Patel, Agent, for the Employers.

Dated, the 8th June, 1959

STATE: BIHAR

INDUSTRY: COAL

## AWARD

The Government of India, Ministry of Labour & Employment, by its Order No. L.R.II-2(125)/58, dated 24th October 1958, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer to me for adjudication, the industrial dispute between the parties above-named in respect of the matters specified in the following schedule to the said Order:

## SCHEDULE

- (1) Whether the management of Murulidih Colliery of Messrs. Kalyanji Mavji & Co., P.O. Mohuda (Dhanbad) was justified in dismissing Shri L. N. Roy?
- (2) If not, what relief he is entitled to?

2. After the usual notices were issued on the parties, the Secretary, Colliery Mazdoor Sangh, (hereinafter referred to as the Union) filed the written statement of claim on behalf of the workmen on 18th November 1958, to which the Agent of the Murulidih Colliery filed the written statement in reply on 8th December 1958, after which the hearing was fixed for 13th January 1959 but at the request of the parties who stated that they were negotiating for a settlement, the hearing was adjourned from time to time, and as no settlement was ultimately reached, the hearing was concluded on 4th May 1959.

3. The workers' case as stated in the Union's statement of claim, is that Shri L. N. Roy, the dismissed workman, was an active member and the Assistant Secretary of the Union which is not recognised by the management which recognises another trade union viz. the Hindusthan Khan Mazdoor Sangh; that Roy's trade union activities being opposed to that of the favoured union were disliked by the management which was anxious to victimise him on that account; that since the coming into force of the coal award Roy had been agitating for being placed in category I for clerks and this had further annoyed the management; that prior to the closure of pit No. 14 Roy was making the coal bills only of that pit and of incline No. 18 and was also maintaining the register of quarterly working days of all the workmen, P.F.M. of the Murulidih colliery, including miners, loaders, clerks and others for the purposes of calculating the annual leave of the workmen, that on the closure of Pit No. 14 the Manager of the colliery by his letter dated 25th April 1958 directed Roy to continue to prepare the bill books of No. 18 incline and also to prepare the bill books of the engineering and mechanical section from 28th April 1958; that after the closure of pit No. 14 Roy was also doing the additional work of making the miner's bills for the variable dearness allowance; that Roy explained to the Manager of the colliery that since the closing of pit No. 14 the workload in No. 18 incline had gone up and consequently he had to attend to a lot of more work than what he previously used to do. He, therefore, prayed that if he had to do the additional work of preparing the bill books of the Engineering and Mechanical sections, orders might be issued for payment of overtime wages to him; that after dismissal of Roy the work which he was asked to do and for which he had claimed overtime was being done by as many as 3 or 4 clerks; that at the enquiry into his workload held on the 13th May 1958, at which he was present, he had demonstrated that the number of miners in No. 18 incline had increased and that the raising in that incline had gone up and his work as bill clerk due to minute fractions involved had also increased to such an extent that it was impossible for him to cope with the work at No. 18 incline and also do the additional work relating to the Engineering and Mechanical section and the other work he was doing; that his work in connection with P.F.M. had also increased because of the increased number of workmen, working days and leave account he had to maintain; that thereupon the management served a charge sheet upon him on 13th May 1958 (Annexure A to the Union's written statement) charging him with not carrying out the lawful and reasonable orders of the management is asking him to prepare the Hazri Bill Book for the Engineering Section in place of the coal bill book of No. 14 pit and he was asked to explain why disciplinary action should not be taken against him (Annexure A to the Union's statement of claim); that Roy replied to the charge sheet stating that the management had made out a false case against him with a view to victimise him for his trade union activities; that after a perfunctory enquiry which was held with the pre-determining decision to dismiss him, Roy was dismissed from service by the Company's letter dated 25th June 1958 (Annexure B); that thereafter the Union by its letter dated 26th June 1958 addressed to the Conciliation Officer raised an industrial dispute with regard to

Roy's dismissal and claimed his reinstatement with full back wages (Annexure C); that the Conciliation Officer was convinced that the dismissal of Roy was unjustified and improper, and requested the management to reinstate him; that the Labour Inspector (Central) who had enquired into the workload of Roy was satisfied that the management was not justified in asking him to do the extra work relating to the engineering and mechanical section without agreeing to pay overtime wages to him; that the suggestion of the Conciliation Officer was turned down by the management and his efforts ended in failure as recorded in his report dated 29th August 1958 (Annexure D); that the dismissal of Roy was arbitrary, unjustified, contrary to the principles of natural justice and had amounted to victimization due to the unfair labour practice of the management. The Union, therefore, claims that this Tribunal should direct his reinstatement in his former post with continuity of service with full wages for the period of his enforced idleness.

The Company in its written statement has firstly urged that this reference is not a valid one under the Industrial Disputes Act, 1947 as what has been referred to this Tribunal is an individual dispute as the Union does not represent a substantial body of the workmen in the colliery. On the merits the company's case is that Roy was appointed as surface incharge at the Bhatdee colliery on 13th April 1951 and in October 1953 he was transferred to Murulidih colliery in place of one R. L. Thackkar who had gone on long sick leave; that on the return of Thackkar from sick leave in October 1954 Roy was asked to go back to his original post in Bhatdee colliery but he preferred to stay at the Murulidih colliery agreeing to do the work of preparing coal bills, overtime registers, posting of leave registers, etc. whilst his old designation was maintained. The management denies any knowledge of Roy's union activities or of his being the Assistant Secretary of Murulidih branch of the Union. The management also denies that since the coal award came into force Roy was agitating for being placed in grade I for clerks. The management's case is that by an office order dated 4th October 1955 the specific duties of each clerk in the office were fixed; that under that circular Roy's duties were also specified as being to prepare:

- (1) Weekly coal bill books in Form III for No. 14 pit and 18 incline,
- (2) weekly overtime wages register payment,
- (3) posting of quarterly working days of all workers in the leave record register; and
- (4) rest of the time as advised by the Accountant for the arrears work.

It is admitted that Shri Roy had signed that circular; that Roy performed all these duties till May 1956, when the work of preparing weekly overtime register and arrears work were taken away from him at his request and he continued to perform the rest of the duties specified in the said circular i.e., (a) weekly coal bill books in Form III for pit No. 14 and incline No. 18, and (b) posting of quarterly working days of all workers in the leave record register; that he continued to do this work till 22nd March, 1958, on which date pit No. 14 was closed. A copy of the circular dated 4th October, 1955, is annexed to the management's written statement as Annexure I; that before the closure of pit No. 14, Roy was preparing coal bill books for miners, posting of quarterly working days in the leave record register concerning that pit and as after the closure of pit No. 14 he was no longer required to do that work, he was instead asked to prepare the Hazri Wage Register of the engineering and mechanical staff; that when Roy did not comply with the various verbal requests of the Manager in that behalf, letter dated 25th April, 1958, was issued to him (Annexure 2) requesting him to prepare the bill books of the engineering and mechanical section with effect from 28th April, 1958. To this Roy replied by his letter dated 28th April, 1958 (Annexure 2A) complaining that he was being unnecessarily harassed and accepting the letter under protest. Thereupon, the Manager of the Colliery addressed him another letter on 3rd May, 1958, in which after referring to the circular of 4th October, 1955, he pointed out that the work of preparing the Hazri bills of the engineering staff was not additional work but that he was required to do that work as he was not required to prepare the bill books of No. 14 pit (Annexure 3). To this Roy replied by his letter dated 7th May, 1958, in which he alleged that with the closure of Pit No. 14, the number of miners and the raisings of Incline Nos. 18 and 19 had increased considerably and he had to make several more entries under different items of pay such as basic pay, dearness allowance and underground allowance, etc. He further alleged that entries with regard to raisings of tubs in incline No. 18 required more time as those were not only in round numbers but also in fractions of tubs. He further stated:

"I make no acceptance to prepare bill of Engineering and Mechanical section. I may prepare this at overtime hours if your office will kindly sanction me three days extra pay per week, because I am getting no

time to prepare the bill of Engineering and Mechanical section along with 18-19 incline coal bill which is taking much time due to its raising and entries and mine's enhanced."

He also alleged that he was being asked to do this extra work because he was opposed to the Hindusthan Khan Mazdoor Sangh, another Union which the management recognises. [Annexure 3(a) to the company's written statement]. To this letter the Agent of the colliery replied on 7th May, 1958, informing Roy that an enquiry would be held on 13th May, 1958, on the allegation made by him with regard to his workload, when he was required to attend with his evidence (Annexure 4 to the company's written statement). Shri Roy attended the enquiry on 13th May, 1958, but refused to participate in it or answer any questions on the plea that the question had been referred by him to the Regional Labour Commissioner, Dhanbad, before whom proceedings were pending (See Annexure 5 to the company's written statement being the record of what was stated by Roy at the enquiry on 13th May, 1958, which he had attended). Thereafter, the charge sheet dated 13th May, 1958 was issued to Roy charging him with not carrying out the lawful and reasonable orders of the management viz. of preparing the Hazri Bill Book of the Engineering Section in place of the coal bill book of No. 14 pit, and he was called upon to give his explanation (Annexure A to Union's written statement and Annexure 6 to company's written statement). To this Roy sent a written explanation dated 15th May, 1958 in which he reiterated what he had stated in his earlier letters and once again claimed that he should be paid 3 days' extra wages per week, if he was to do this work. He also alleged that the management was harassing him because of his being a leading member of the union and because he had ventilated the grievances of the workmen in the manner in which the Majumdar award had been implemented in this colliery [see Annexure 6(c) of the company's written statement]. The Agent by his letter dated 23rd May, 1958, informed Roy that the enquiry on the charge sheet would be held on 26th May, 1958 and asked him to remain present with his witnesses (Annexure 7 to the company's written statement). To this Roy replied on 24th May, 1958 stating that he would not produce any witness at this enquiry as long as his case was pending before the Conciliation Officer, Dhanbad. He also alleged that he was being victimised because he had not heeded the management's warning to dissociate himself from the activities of the union [see Annexure 7(a) to the company's written statement]. Thereafter, an enquiry was held on 26th May, 1958, by Shri R. C. Patel, the Agent of the colliery, at which the statements of four witnesses on behalf of the management were recorded to prove that Roy could do the work of preparing the Hazri Bill Books of the Engineering and Mechanical section without having to work overtime. Roy refused to cross-examine any of these witnesses or lead any defence evidence. He also did not sign the records of the statement of these witnesses on the ground that his case was pending before the Conciliation Officer [See Annexures 8, 8(a), 8(b) and 8(c) to the company's written statement]. The evidence at the enquiry according to the management established that it would have taken Roy only 8/9 hours a week to prepare the Hazri Bill Book of the Engineering and Mechanical section and together with the other duties he was performing, he would not be required to work for more than in all 35 hours in the week if he had carried out the management's orders. The Agent, therefore, by his letter dated 25th June, 1958 informed Roy that after the enquiry he was satisfied that he (Roy) was intentionally refusing to prepare the Hazri Bill Book of the Engineering Section inspite of having spare time during his duty hours to prepare the same. He was, therefore, informed that he had been dismissed from service with effect from 26th June, 1958 for this misconduct (Annexure B to the Union's written statement).

Thereafter, the Organising Secretary of the Union by his letter dated 26th June, 1958, raised an industrial dispute over this dismissal and referred it to the Conciliation Officer (Central), Dhanbad I [Annexure (c) to the Union's written statement]. The Conciliation Officer evidently had asked the Labour Inspector (Central) Katrasgarh to hold an enquiry in the workload of Roy before and after the closure of Pit No. 14 and he appears to have reported that the quantum of his work had remained more or less the same. The Conciliation Officer in his failure report dated 29th August, 1958 has remarked that during the Conciliation Proceedings he had relied upon the Labour Inspector's report and the fact that Roy had a clean record of service in requesting the management to reinstate Roy in service, but the management did not accept his suggestion (Annexure D to the Union's written statement). Thereafter, the Government referred this dispute to adjudication by its order dated 24th October, 1958.

At the hearing before me the Union called for a large number of records from the management and also filed certain documents on which it relied. The management also in its turn filed certain other documents. The management led the evidence of two witnesses viz. K. L. Rawal, Manager of the Colliery (EW-1) and

of one Shri G. C. Seal, General Clerk (EW-2). The union also examined its Organising Secretary, Ajaydhya Prosud Gupta (WW. 1) and L. N. Roy, the dismissed workman (WW. 2).

Before dealing with the dispute on its merits I may at the outset dispose of the preliminary objection as to the validity of the reference and the jurisdiction of the Tribunal raised in the company's written statement. The company contends that the present reference has arisen out of an individual dispute inasmuch as the Union which has sponsored the cause of the dismissed workman, L. N. Roy, does not represent a substantial body of the workmen in the colliery. It is, however, established from the evidence of the defence witnesses that there is a branch of the Colliery Mazdoor Sangh in this colliery and also that a substantial number of workmen in this colliery are its members. There is also no doubt that it was this union which took up the cause of L. N. Roy, who is a member of the executive committee of the Murliidh Branch of the Union, and referred it to the Regional Labour Commissioner, Dhanbad, for settlement. There is no doubt that another trade union viz. Hindusthan Khan Mazdoor Sangh, Functions in this colliery and which is recognised by the management. But that does not mean that this union has not a following among the workmen of this colliery. This is a registered trade union and I am satisfied from the evidence and the other documents on record that this union does represent a substantial number of workmen of this colliery, who are its members and that the union as representing those workmen has espoused the cause of L. N. Roy. Therefore, what was in its initial stages an individual dispute has developed into an industrial dispute as defined by section 2(k) of the Industrial Disputes Act, 1947. I would, therefore, hold that the reference is valid and I have jurisdiction to entertain the same.

On the merits of the dispute the main contentions of the Union as I have stated earlier are:

- (1) that L. N. Roy was victimised because he was an active member of the Union;
- (2) that no proper enquiry was held at the departmental enquiry by the management on 26th May, 1958, and that the evidence at the enquiry did not establish the charge of not carrying out the lawful and reasonable orders of the management in preparing the Hazri Bill Book of the engineering section.

The main case of the union is that the management was not justified in asking Roy to prepare the Hazri Bill Book of the Engineering and Mechanical section as even after the closure of No. 14 pit there was enough work to keep him fully occupied; that Roy did not refuse to do the work of preparing Hazri Bill Book of the Engineering and Mechanical section but had only claimed payment of overtime wages if this work involved his having to work overtime and that the management had asked Roy to do this additional work with the *male fide* intention of getting rid of him because, he was an active member of the Union.

I am not at all satisfied that there is any substance in these contentions of the Union. It is admitted that prior to the closure of Pit No. 14 on 22nd March, 1958, Roy was doing the duties of preparing weekly coal bill books in Form III for pit No. 14 and incline 18 and posting of quarterly working days of all workers in leave record register. Thereafter, he was verbally requested to prepare the bill books of the Engineering and Mechanical section in place of the Bill Books of pit No. 14. When oral requests were not heeded the management addressed the letter dated 25th April, 1958. To this Roy replied by his letter dated 26th April, 1958 [Annexure 2(a)] by which in rather unbecoming language, he virtually refused to do that work. To this the management replied on 3rd May pointing out that he was asked to prepare the Hazri Bill of engineering staff instead of preparing the coal bill of No. 14 pit which was closed down and that this does not involve additional work and he was warned that if he did not undertake that work from 5th May disciplinary action would be taken against him. Roy replied to this by his letter dated 7th May, 1958 [Annexure 3(a)] in which he clearly stated that he was not willing to prepare the bills of engineering and mechanical section and that he would prepare it only if he was paid overtime at the rate of 3 days extra wages per week. Thus Roy had clearly refused to do the work of preparing the bill books of the engineering and mechanical section unless he was paid overtime wages and his statement in his evidence at the hearing that he had not declined to do the work of the engineering and mechanical section after pit No. 14 had closed down, is clearly an afterthought. Thereafter, the management gave him a chance of establishing his allegation that he could not do the

work of engineering and mechanical section without working overtime and fixed an enquiry on the 13th of May. Now, at that enquiry Roy refused to participate in the enquiry or answer any question put to him by the Agent on the ground that he had referred the question regarding his proper grade of pay under the Majumdar award, to the Regional Labour Commissioner, and the enquiry was pending before that officer. Now, it is important to remember that the question about the proper grade of pay for Roy was raised for the first time by the Union's letter dated 9th May, 1958 addressed to the Regional Labour Commissioner, a considerable time after Pit No. 14 had been closed down on 22nd March, 1958 and he had been asked to do the work of preparing the bill books of the mechanical and engineering section. In my opinion the dispute about his proper grade of pay did not justify his not participating in the enquiry held by the management. I am of the opinion that the management had given a fair opportunity to Roy to establish his contention that the work of the mechanical and engineering section would involve his doing overtime work and that Roy deliberately avoided an enquiry on that question which was held by the Agent on 13th May, 1958. It is also significant that he had denied any knowledge of the office circular of 4th October, 1955, though it bore his signature. It was only after Roy had refused to participate in this preliminary enquiry of 13th May that the charge sheet (Annexure 6) was served upon him in which he was charged with not carrying out the lawful and reasonable orders of the management, of preparing the Hazri Bill Book for the Engineering and Mechanical section, in place of the coal bill book of No. 14 pit. In his reply dated 15th May, 1958 [Annexure 6(a)], Roy repeated the allegations he had made in his previous letters and stated that he was not in a position to start the extra work unless he was paid 3 days extra wages per week. Though he was asked to remain present at the enquiry with his witnesses Roy appeared at the enquiry on 26th May, 1958, but did not participate in that enquiry. At the enquiry the management examined the cashier of the colliery N. N. Thakkar who stated that all the coal bill books of miners remain with him on each Saturday as he is to make payments to the miners and that L. N. Roy had therefore no bills to prepare on Saturdays and that on that day Roy used to post the leave register (Annexure 8). The next witness was N. C. Khawas who was preparing the Hazri bills of the workers in the mechanical and electrical section in addition to his duties and for this additional work he was being paid an extra remuneration of Rs. 8 per month. He stated that he had to make bills for only about 110 workmen of the mechanical and electrical section and that the work required only 2 to 3 hours for 2 or 3 days in the week [Annexure 8(a)]. The next witness examined was one Bhairab Ch. Sarkhel, a bill clerk, whose duties *inter alia* were to prepare the coal bill books of certain other inclines in the colliery. He gave the particulars of the number of miners in the inclines under his charge as also of the number of miners in incline No. 18 and he stated that if he were asked to do the work of preparing the coal bill books of No. 18 incline, he would complete the work in about 2½ days time every week. Shri Shantilal Mehta, the Accountant of Murlidih colliery, gave the maximum number of miners for whom Roy was preparing the coal bill books for No. 14 pit and 18 incline and he stated that in his opinion Roy could easily prepare the Hazri Bill Books of the mechanical and engineering sections in place of No. 14 pit. On this enquiry the Agent was satisfied that the charge against Roy of wilful refusal to carry out the reasonable orders of the management was proved and he was, therefore, served with a notice dated 25th June, 1958 dismissing him from service from 26th June, 1958.

From these details of the enquiry I am more than satisfied that the management had sufficient material at the enquiry to come to the conclusion that Roy was guilty of the charge of wilful disobedience of reasonable orders.

Shri D. Narsingh, the learned Advocate for the union, has urged that the rules of natural justice were not followed at the enquiry and he has argued that there was not sufficient material before the management at the enquiry to hold Roy guilty. He has in that connection relied upon the judgment of the Hon'ble Supreme Court in the cases of the Indian Iron & Steel Company Ltd (1958 I LLJ 26) and the Union of India Vs. Verma (T.R.) (1958 II LLJ 259). In my opinion those two decisions do not apply as in this case in spite of every opportunity having been given to him the workman wrongfully refused to take part in the enquiry. I am satisfied that the rules of natural justice were followed at the enquiry and no material was relied upon by the management without giving a chance to Roy to controvert the same. In this case the workman was alleging that the work which he was required to do would involve his doing overtime work and when an opportunity was given to him to establish this he declined to participate in the enquiry. As held by the Labour Appellate Tribunal in the case of the Upper Ganges Electric Employees Union and Upper Ganges Valley

Electric Supply Company Ltd. (1957 II L.L.J. 395), "if the concerned workman fails to avail of the opportunity offered to him to examine his witnesses or cross examine the witnesses of the management, he has to thank himself and take the consequences. The fact that the concerned workman was a union official could not entitle him to claim any special or higher privilege, which an ordinary workman would not otherwise be entitled to. Simply because an employee is an active worker of a trade union it does not mean that he stands in such a privileged position as to cast off his normal obligations as an employee which he owes to his employer. As a matter of fact the work and behaviour of such a person should be such as to set an example to the other workman for emulation." I am afraid in this case also this workman's attitude was that because he was a union official and he had claimed overtime wages, the management could not do anything against him and it appears to me that he did not actively participate in the enquiry in that spirit.

Shri Narsingh, has further argued that there was a justified apprehension in the mind of Roy that he would have to work overtime and therefore he was justified in refusing to do the work of the mechanical and engineering section, till assurance of payment of overtime was given to him. He has in that connection sought to rely upon the decision in the case of Burn & Co. and their workmen and others (Vol XV FJR p. 338). In that case certain workmen refused to perform certain duties to which they were not accustomed, out of fear that they might do the work wrongly and spoil it. In the circumstances, it was held that the management would not be justified in treating their refusal as wilful disobedience and punish them. But in my opinion that case has no application, because the work of preparing the bill books of the engineering and mechanical section was the type of work that Roy was already doing and he has asked to do that work in place of similar work in respect of pit No. 14 which had closed down. Nor, am I satisfied that it was a case of reasonable apprehension of having to work overtime. In my opinion Shri Mukherjee, the learned Advocate for the Company was right when he argued that Roy's claim for overtime payment and his refusal to do the work of the engineering and mechanical section, was not as before without his having set his hand to do the work. It is difficult to understand how Roy without even setting his hand to the work came to the conclusion that it would involve him in overtime work of 3 days in the week. Shri Narsingh has also relied upon a decision of the Allahabad High Court in the case of Thakur Budh Singh Vs. State of U.P. (1958 II L.L.J. 27). I fail to see how the facts of that case have an application to the facts of the present case. That was a case which involved construction of section 7 of the Police Act of that State. In that case the enquiring officer had refused to call certain eye witnesses to the incident which gave rise to the misconducts with which the policeman was charged. It was held that the enquiring officer was not justified in refusing to call some of the eye witnesses called for by the accused workman and that thereby the appellant had been prejudiced in his defence at the enquiry. In that case it was observed that the finding of the officer conducting the enquiry must be based on the evidence which is adduced before him at the enquiry and he is not at liberty to determine the guilt of the person charged in any other way. In this case as I have stated earlier, there was, in my opinion, sufficient evidence at the enquiry for the management to hold Roy guilty of the misconduct with which he was charged. It was sought to be argued that Roy had to do the work of variable dearness allowance which took more time but that work was done by him for the first time only in May 1958, and Roy had even prior to that refused to do the work of the mechanical and engineering section. This argument thus has no real substance.

At the hearing before me the management filed certain statements (Exhibits E/4 and E/5). These statements were prepared from the records which had been called for on the application of the Union. These statements clearly show that there was no increase in the workload of Roy when he was asked to prepare the Hazri Bill Books of the Engineering & Mechanical section after Pit No 14 had closed. The management also led the evidence, of Shri G. C Seal (E.W. 2) the General Clerk, who now does all the work Roy was asked to do after pit No. 14 was closed, and he stated that he is doing that work without having to work overtime. I accept this evidence of the company, and I am satisfied that this evidence supports the conclusion to which the enquiry officer had come on the evidence that was led before him at the enquiry.

On this evidence, and on the submissions of the parties I am more than satisfied that Roy had wilfully refused to do the work of writing the Hazri Bill Book of engineering and mechanical section and that there was no justification for his plea that it would have involved his doing 3 days extra work in the week. I am

afraid Roy made this claim under the mistaken notion that as he was an office bearer of the union, he could defy the management as he liked.

In the result, I hold that the management of Murlidih colliery was justified in dismissing L. N. Roy and he is not entitled to any relief

I make no order as to costs.

(Sd.) SALIM M. MERCHANT,  
Presiding Officer

[LRII-2(125)/58]

*New Delhi the 17th June 1959*

**S.O. 1435.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Dhanbad in the industrial dispute between the employers in relation to the Digwadih Colliery of Tata Iron and Steel Company Limited and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD**

REFERENCE NO. 11 OF 1959.

Employers in relation to the Digwadih Colliery of Tata Iron and Steel Co. Ltd.

.. .. . AND  
Their workmen.

PRESENT

Shri Salim M Merchant, B.A., LL.B., Presiding Officer.

*Dhanbad, the 8th June, 1959.*

**APPEARANCES:**

Shri Pritish Chanda, President, with Shri S. Singh General Secretary, Tata Collieries Workers' Union, for the workmen.

Shri S. S. Mukerjee, Advocate, with Shri G. Prasad, Chief Personnel Officer, for the employer company.

State: BIHAR

Industry: COAL.

**AWARD.**

The Government of India, Ministry of Labour and Employment, by its order No. LR. II/2(10)59, dated the 12th February, 1959, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), was pleased to refer to me for adjudication the industrial dispute between the parties above-named in respect of the matters specified in the following schedule to the said order:

**SCHEDULE.**

Having regard to the duties performed by Sarvashri M. M. Umrigar, A. R. Chakravarti and B. B. Chatterjee, Belt Supervisors of Digwadih Colliery whether they should be placed in Grade II prescribed by the All India Industrial Tribunal (Colliery Disputes) in its Award, as modified by the Labour Appellate Tribunal, and if so, from what date?

After the usual notices were issued on the parties the General Secretary, Tata Colliery Workers' Union (hereinafter referred to as the union) filed its written statement of claim on 2nd March, 1959, to which the management filed its written statement in reply on 28th March, 1959 and the dispute was fixed for hearing for 13th April, 1959. At the request of the parties, along with their representatives, on 21st April, 1959, I inspected the work of the Belt Supervisors at the screening plant of Digwadih Colliery and thereafter the hearing was taken up on 7th May, 1959 and was concluded at the adjourned hearing on 30th May, 1959.



Sarvashri M. M. Umrigar, A. R. Chackravarti and B. B. Chatterjee who are working as Belt Supervisors, are at present being paid in the company's scale of pay for grade III clerks which is Rs. 45-3-78-4-82 and which is higher than the scale of pay for grade III clerks fixed by the Majumdar award as modified by the decision of the Labour Appellate Tribunal, which is Rs. 43-3-82. The Majumdar Award as amended by the Labour Appellate Tribunal's decision prescribed the scale of pay of Rs. 48-3-57-4-93 for Grade II, clerks but the company is paying its Grade II clerks in the higher scale of Rs. 60-5-100.

The Majumdar award came into force from 26th May, 1956. Prior to that these Belt Supervisors were being paid in the company's scale of Rs. 30-1-35.

Digwadih colliery has 4 pits and it is admitted that coal of 3 of these pits is loaded directly through the screening plant and the coal of only one pit is loaded by hand loaders. Each of the Belt Supervisors works on the screening plant in alternate shifts. The Belt Supervisors supervise and control work of about 28 shale pickers working on the screening plant in each shift and also maintain their rough hazri (Ex W-B). The duty of the shale pickers is to remove stones, shales and other foreign matters from the run-of-mine coal which passes over the picking belts of the screening plant. If the shale pickers do not work properly the ash percentage in the coal increases and it is for this reason that the supervision and control of the work of shale pickers at the screening plant, through which the coal of 3 of the 4 pits in the colliery passes, is considered important. It is clear from letters addressed by the management to the Belt Supervisors that they are held responsible whenever there is any complaint of high ash percentage of the coal loaded from the screening plant, from the Iron and Steel Works of the Company at Jamshedpur to which the coal is supplied. (See Memo No. Dig/28-58/3087, dated 23rd June, 1958 and No. Dig/28-58/2964, dated 14th June, 1958, from Manager, Digwadih Colliery endorsed to the Belt Supervisors). The Union in its written statement of claim has stated that in addition to supervising the work of shale pickers, the Belt Supervisors have to maintain registers showing the daily complaints and particulars of despatch of wagons, raising and short or surplus report. In case of any shortage of coal in the stock the Belt Supervisors are required by the management to arrange to make good the shortage. This appears to be so from the letter of the Manager, Digwadih colliery No. Dig/15-57/3945, dated 28/30th September, 1957 addressed by name to each of the three Belt Supervisors under reference, in which after being informed that there was a shortage of 270 tubs in the B schedule during the previous week they were asked to check up the work of the men who were doing board checking. According to the Union the Belt Supervisors also have to look after the machinery, motors, belts, etc., of the screening plant. For this they have relied upon the letter of the Manager, (Digwadih colliery No. Dig/15-57/4152, dated 12/14th October, 1957) addressed to the Belt Supervisors in which they were directed to keep a thorough check on the screening plant machinery and write down in their notebooks the names of the persons who repair or tamper any machinery even, though he may be a fitter or a fitter helper. The Belt Supervisors have also to look after or report, as the case may be, all break down occurring in the screening plant and also have to arrange for their immediate repairs. The Union has contended that these responsible duties performed by the Belt Supervisors are in nature and volume not only equal to those of loading clerks but also in some respects more than those. The Union has pointed out that prior to the Majumdar award loading clerks were also in the same scale of pay as Belt Supervisors i.e., 30th January, 1935, but that after the Majumdar award Loading Clerks were placed in the company's clerical grade II, referred to earlier, whilst Belt Supervisors were placed in the clerical grade III. According to the union, the management had prior to the Majumdar Award also considered the work of Belt Supervisors at par with those of Attendance Clerks, Assistant Time Keepers and Loading Clerks, who have under the Majumdar Award been placed in the clerical grade II.

Appendix XVI to the Majumdar Award contains the classification of the clerical staff employed in collieries on the basis of grading and nomenclature. It was an agreed list filed before the Tribunal by the representatives of the employers and the employees. Under Appendix XVI Loading Clerks have been put in grade II. There is, however, no mention of the category of Belt Supervisors in Appendix XVI, probably, as observed in para 813 of its Award it was not possible for the Tribunal to categorise all existing categories. In para 813 of the Award the Majumdar Tribunal observed and recommended as follows:

"We cannot claim to have exhausted all the jobs and in the nature of things it is not possible. As regard jobs not specifically covered, we depend on the management to deal with them fairly in the light of

what we have done for the jobs covered by us. The scales laid down by us are the minimum and we have no doubt that the managements, whenever they should grant higher and better scales, would introduce them of their own accord."

The workmen's contention is that because of the omission of the category of Belt Supervisors in Appendix XVI of the award, the management had done them an injustice by placing them in the clerical grade III and in doing so it had not paid due regard to the recommendations contained in para 813 of the award. It appears that the Belt Supervisors had applied to be placed in grade II but the C.M.E. by his letter No. JMB(1) 8655/21 dated 31st July, 1956 turned down their request stating that he considered their duties as equivalent to Assistant Loading Clerks who have been placed by Appendix XVI in Grade III. The union has contended that this was not a fair or proper basis at all, as there is no category of Assistant Loading clerk in this or any other colliery of this company. Thereafter, the union raised an industrial dispute with regard to the categories and the pay scales fixed by the company and the matter was referred to the Conciliation Officer (Central), Dhanbad II, who was of the opinion that the work of Belt Supervisors was arduous and responsible and needed to be revised. On a comparative study of the nature and volume of the work done by the Belt Supervisors and the Loading Clerks, the Conciliation Officer was of the opinion that they were at par and that Belt Supervisors should be placed in the same category as Loading Clerks, i.e., in category II. He suggested accordingly to the management but the management did not accept his recommendation and thereafter Government referred the dispute for adjudication.

The contention of the management as stated in its written statement and as argued before me at the hearing is that the main duties of the Belt Supervisors is to supervise the work of the shalc pickers which according to it does not require any high technical skill. It is urged that the duties of loading clerks are more responsible than that of the Belt Supervisors inasmuch as the former are responsible for wagon loading work which involves the selection and placing of wagons, the height to which they should be loaded, the quality of coal to be loaded in a particular type of wagon, etc. The company has also stated that the loading clerks are also responsible for over-loading under-loading and bad loading of all coal including those from the screening plant. It is also argued that the duties of Belt Supervisors is largely preparation of coal prior to loading, of only part of the output of the colliery whilst the responsibility of the loading clerk is for the entire loading, including the loading of the coal through the screening plant. The management has therefore contended that the claim of the Belt Supervisors to be placed in grade II was not justified.

The management at the hearing led the evidence of Shri Ram Nath Sharma, (EW1), the present Agent of the Sijua group of collieries, who was Manager of the Digwadih colliery for about 3 years from November, 1952, to November, 1955, and he has given in great detail the duties and responsibilities of the loading clerks particularly with regard to the receiving of empty wagons from the railway pilot, the placing of the wagons on different tracks according to the loading programme and allocation of work of loading of different wagons to different gangs. He has also stated that the loading clerks' duty is to guide the loading gang as to the height to which the coal is to be loaded in the wagon and of his arranging for them to be shunted to the weigh bridge. He has also stated that at the weigh bridge the loading clerk has to supervise the weighing of the wagon and to arrange for adjustment, if the coal is to be removed or added. He has also stated that the loading clerk has to get the wagons placed at different chutes under the screening plant and also to see that the loading is done up to a proper level and to see that the coal is dressed i.e., made level in the wagons. In his opinion the duties of Belt Supervisors are less responsible than those of loading clerks, inasmuch as the duties of the Belt Supervisors consisted only of preparing part of the coal for loading, whilst the duty of loading clerk was to see to the proper loading and despatch of all coal of the colliery including the coal through the screening plant. In cross-examination, however, much of what Shri Sharma stated was levelled down when it was pointed out that there is an Allotment Officer at Adra and it is on the advice from that officer that the railway allot wagons to the various collieries for loading coal and that each pilot brings an allotment sheet which contains particulars of the schedules and the number of wagons to be loaded and their destination and that the placement of the wagons depends on the supply sheet and also on the coal stock. He had also to admit that at present the wagons of the Digwadih colliery are supplied at what is known as a block system under which a fixed number of wagons is supplied each day, unless the colliery advises otherwise. He had also to admit that there

were raiiway clerks at Digwadih weigh bridge and the assist the loading clerk in checking the weight of the wagons and that there are also Kamins and Mazdoors, called adjustment Mazdoors, who are on duty at the weigh bridge at the time the wagons are weighed. In cross-examination he had to admit that his knowledge about the loading clerks in Digwadih colliery related only to the period between November, 1952, and November, 1955 and for a short period of 3 months in 1958 when he was Agent of the Jamadoba Group of collieries. It is thus clear that what Shri Sharma was deposing to, particularly with regard to the duties of Belt Supervisors, was for the period prior to the Majumdar Award coming into force in May 1956. As is clear from the various orders addressed to the Belt Supervisors they are entrusted with many more duties than of merely supervising the work of shale pickers. It was ascertained at the hearing that of the 3 loading clerks at Digwadih one is designated as incharge and has been placed in Category I and he gets a higher pay than the other 2 loading clerks who are in category II. That was no doubt because he was getting a higher pay when the Majumdar Award came into force but it appears to me that the loading incharge is considered as discharging higher responsibilities as he has a fixed shift viz., the first shift and the other two loading clerks have to work in alternate shifts. It does appear to me, as suggested by the Union, that many of the duties referred to by Shri Sharma are the duties of the incharge and not of the loading clerks. Shri Sharma has admitted that when he was at the Digwadih colliery there was no category of loading incharge. It seems to me rather surprising that the management preferred to lead the evidence of Shri Sharma, who has not been directly connected with this colliery since November 1955, rather than lead the evidence of the Manager who has been in-charge of the colliery when the Mujumdar Award came into force from 26th May, 1956, or subsequent thereto.

I cannot accept the contention of the management that the main duty of the Belt Supervisors is merely to supervise the work of the shale pickers as the various orders which were addressed by the management and which have been annexed by the Union to its statement of claim show that Belt Supervisors are held responsible for and are expected to discharge many more duties than of merely supervising the work of the shale pickers. It is significant that all communications addressed to the Belt Supervisors were also addressed to loading clerks and in some cases to only the loading incharge, suggesting that in their responsibilities the Belt Supervisors are treated as on par with loading clerks. There is also on record certain orders which were addressed to the Belt Supervisors along with attendance clerks, time keepers and loading incharge who as I have stated earlier are either in the clerical grade II or grade I. After inspection of the duties performed by them and the working of the screening plant, I have not the least doubt in my mind that the Belt Supervisors are doing an arduous and responsible job. It is significant that the company though challenged by the Union was not able to cite a single instance where a loading clerk was held responsible for bad loading through the screening plant. I am of the opinion that the Belt Supervisors not only supervise the work of the shale pickers but are incharge of the entire screening plant and that there is enough material on the record by way of orders, directions and communications addressed to them by the management to show that in the matter of their responsibility they are treated at par with the loading clerks.

I would therefore answer the reference that having regard to the duties performed by Sarvashri M. M. Umrigar, A. R. Chakravarti and B. B. Chatterjee, Belt Supervisors of the Digwadih colliery they should be placed in Grade II prescribed by the All India Industrial Tribunal (Colliery Disputes), as modified by the decision of the Labour Appellate Tribunal.

The next question is from what date they should be given the benefit of Grade II scale and I direct that they should get the benefit of that scale from 26th May, 1956, which is the date on which the Majumdar Award came into force. I further direct that the amounts found due to them after they are adjusted in the Grade II clerical scale as directed by the Labour Appellate Tribunal with effect from 26th May, 1956, should be worked out and paid to each of them within one month from the date when this award becomes enforceable.

As stated earlier, in this company the grade II clerks get the higher scale of pay of Rs. 60-5-100, than the scale of Rs. 48-3-57-4-93 prescribed by the Majumdar Award, as modified by the Labour Appellate Tribunal's decision. I would have ordered the management to pay them the company's grade II for clerks i.e., in the scale of Rs. 60-5-100 but for the fact that in the order of reference the claim is restricted to grade II prescribed by the award as modified. I would, however, in the interest of uniformity, which the company itself has emphasised, recommend to the management to place them in the company's scale

of Rs. 60—5—100 with effect from the date the Majumdar Award came into force from 26th May, 1956.

Before concluding I must state that at the hearing Shri S. S. Mukherjee, the learned Advocate for the Company, withdrew the preliminary legal objection urged by the company in its written statement against the validity of the Order of Reference on the ground that this dispute was outside the scope of the Industrial Disputes Act. I am, therefore, not called upon to consider that point.

Since the workmen have succeeded I award Rs. 150 (one hundred and fifty) as costs to the Union.

SALIM M. MERCHANT, Presiding Officer.

[No. LR II/2(10)/59.]

### ORDERS

*New Delhi, the 17th June 1959*

**S.O. 1456.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bank of Jaipur Limited, Delhi and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

#### SCHEDULE

Whether by virtue of duties performed and powers exercised by Shri Bhagoomal, Head Cashier of the Delhi Branch of the Bank of Jaipur Ltd., he is a workman, entitled to the benefits of the Sastry Award and a supervisory allowance at the rate of Rs. 45 per month in terms of para 164(b) thereof or he is an officer not entitled to these benefits.

[LR II-10(75)/59.]

*New Delhi, the 22nd June 1959*

**S.O. 1457.**—Whereas the Central Government is of opinion that an industrial dispute exists between M/s. Bird & Co. (P) Ltd. and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad constituted under section 7A of the said Act.

#### SCHEDULE

Whether Shri A. C. Mukerjee, Audit Clerk, working in the Sijua Office of M/s. Bird & Co. (P) Ltd., should be placed in clerical grade I under the Award of the All India Industrial Tribunal (Colliery Disputes) as modified by the Decision of the Labour Appellate Tribunal and, if so, from what date?

[No. F.LR II-2(176)58.]

*New Delhi, the 23rd June 1959*

**S.O. 1458.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Dalingkote Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

(a) Whether the retrenchment of the following fifteen workmen was justified and in order:—

- (i) Shri Shyamal Kumar Sen (ii) Shri Jetha Bhujel (iii) Shri Khetra Basl Barik (iv) Shri Sajani Kanta Suthradhar (v) Shri M. L. Barori (vi) Shri Bir Bahadur Soner (vii) Shri Gandra Oraon (viii) Shri Naren Biswas (ix) Shri S. M. Ghose (x) Shri Indu Bhusan Chakrabarty (xi) Shri Binoy Bhusan Mazumdar (xii) Shri Goti Rona (xiii) Shri Baji Sena (xiv) Shri Natho Bariko (xv) Shri Changba Thamang.

(b) If not, to what relief are they entitled and from which date?

[No. F. LR11-1(116)58.]

**S.O. 1459.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhowra Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

(1) Whether the withdrawal of the benefit of bonus provided in the Coal Mines Bonus Scheme by the management of the Bhowra Colliery from the following garden mazdoors/malis is justified. If not, to what relief are they entitled and from what date?

1. Shri Ramasabak
2. Shri Puran
3. Shri Chandradeo Singh
4. Shri Samser Ali
5. Shri Mouladin
6. Shri Aziz Khan
7. Shri Bhagaban Das
8. Shri Munnir Khan
9. Shri Sant Bahadur
10. Shri Rambrich
11. Shri Khadan
12. Shri Mahabir
13. Shri Surju
14. Shri Tobarak;

(2) Whether the garden mazdoors/malis referred to above are employed on domestic and personal work within the meaning of paragraph 3(b) of the Coal Mines Bonus Scheme, 1948 and if not, to what relief are they entitled and from what date?

(3) Whether the following workmen formerly working as chainman, lamp-cleaner, hammer-man, lorry-cleaner, etc., under the old management and as malis under the present management are entitled to bonus under the Coal Mines Bonus Scheme, and if so, from what date:—

1. Shri Jyoti Bauri
2. Shri Parameswar
3. Shri Sabal Mian
4. Shri Ismile
5. Shri Deonandan Gope
6. Shri Gaya
7. Shri Anadi Banerjee.

[No. F. LR11-1(111)58.]

A. P. VEERA RAGHAVAN, Under Secy.

*New Delhi, the 17th June 1959*

**S.O. 1460.**—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, for a further period of one year commencing from the 14th June, 1959, Shri A. B. Lal, employee of the office of the Commercial Audit, Queen Victoria Road Mess, New Delhi, now on deputation with the Hindustan Housing Factory Private Limited, New Delhi, from the operation of the said Act subject to the following conditions, namely:—

- (i) the aforesaid factory shall maintain a register showing the name and designation of the exempted employee; and
- (ii) notwithstanding the exemption, the exempted employee shall continue to receive such benefits under the said Act to which he might have qualified on the basis of contributions paid before the date of exemption.

[No. HI-6(133)/59.]

BALWANT SINGH, Under Secy.

*New Delhi, the 17th June 1959*

**S.O. 1461.**—In exercise of the powers conferred by Sub-Section (1) of Section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri T. Gopalakrishna Rao, Labour Officer to be an Inspector for the whole of the State of Andhra Pradesh for the purposes of the said Act and of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of the Central Government, or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. PF-1/31(600)/59.]

**S.O. 1462.**—In pursuance of clause (c) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby nominates Shri H. M. L. Williams, as a member of the Regional Committee for the State of West Bengal in the vacancy caused by the resignation of Shri J. D. K. Brown, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour No. S.R.O. 1278, dated the 20th June, 1953, namely:—

In the said notification, for entry (5), the following entry shall be substituted, namely:—

- “(5) Shri H. M. L. Williams, C/o. Messrs Guest, Keen, Williams Ltd., 41, Chowringhee Road, Calcutta-16.”

[No. P.F. II-45(23)/57.]

*New Delhi, the 19th June 1959*

**S.O. 1463.**—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 31st July, 1956, to the establishments known as

1. The Calcutta Electric Supply Corporation Ltd., Calcutta;
2. The Calcutta Electric Supply Corporation Ltd., Cossipore Power Station, 28, Jheel Road, Calcutta-2;
3. The Calcutta Electric Supply Corporation Ltd., New Cossipore Generating Station, 28, Jheel Road, Calcutta-2;
4. The Calcutta Electric Supply Corporation Ltd., Southern Generating Station, 28, Garden Reach Road, Calcutta-24;
5. The Calcutta Electric Supply Corporation Ltd., Mulajore Generating Station, Mulajore, P.O. Shamnagore, 24-Parganas;
6. The Calcutta Electric Supply Corporation Ltd., Testing Department, 4, Sashisekhar Bose Row, Calcutta-25; and
7. The Calcutta Electric Supply Corporation Ltd., General Workshop, 33, Syed Amir Ali Avenue, Calcutta-17;

there was in existence a provident fund common to the employees employed in the establishments, to which the said Act applies, and the employees in their other establishments specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the aforesaid establishments.

## SCHEDULE

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| 1. The Calcutta Electric Supply Corporation Limited, Commercial Department . . .             | Victoria House, Calcutta-1.                      |
| 2. The Calcutta Electric Supply Corporation Limited, Construction Department . . .           | Do.  |
| 3. The Calcutta Electric Supply Corporation Limited, Mines Department . . .                  | Do.  |
| 4. The Calcutta Electric Supply Corporation Limited, Substations Department . . .            | 96, Prinsep Street, Calcutta-13.                 |
| 5. The Calcutta Electric Supply Corporation Limited, Central Stores . . .                    | 33, Syed Amir Ali Avenue, Calcutta-17.           |
| 6. The Calcutta Electric Supply Corporation Limited, Alipore Substation . . .                | 36, Gopalnagore Road, Calcutta-27                |
| 7. The Calcutta Electric Supply Corporation Limited, Amherst Rectifier Substation . . .      | 105, Baithakkhana Road, Calcutta-9.              |
| 8. The Calcutta Electric Supply Corporation Limited, Central Avenue Substation . . .         | 5, Kanai Seal Street, Calcutta-1.                |
| 9. The Calcutta Electric Supply Corporation Limited, Chitpore Substation . . .               | 26, Barrackpore Trunk Road, Calcutta-2.          |
| 10. The Calcutta Electric Supply Corporation Limited, Clive Bldg. Rectifier Substation . . . | Clive Buildings, Neraji Subhas Road, Calcutta-1. |
| 11. The Calcutta Electric Supply Corporation Limited, Entally Substation . . .               | 17, Convent Road, Calcutta-14.                   |
| 12. The Calcutta Electric Supply Corporation Limited, Elgin Road Substation . . .            | 2, Allenby Road, Calcutta-20.                    |
| 13. The Calcutta Electric Supply Corporation Limited, Grey Street Substation . . .           | 56/1, Hari Ghose Street, Calcutta-5.             |
| 14. The Calcutta Electric Supply Corporation Limited, Hare Street Substation . . .           | 13/1, Strand Road, Calcutta-1.                   |
| 15. The Calcutta Electric Supply Corporation Limited, Control Room . . .                     | Victoria House, Calcutta-1.                      |
| 16. The Calcutta Electric Supply Corporation Limited, Howrah Central Substation . . .        | 433/1, Grand Trunk Road, Howrah North.           |
| 17. The Calcutta Electric Supply Corporation Limited, Howrah North Substation . . .          | 48/49, Sree Ram Dhan Road, Howrah.               |
| 18. The Calcutta Electric Supply Corporation Limited, Howrah South Substation . . .          | (New) 190-194, Grand Trunk Road, Howrah.         |
| 19. The Calcutta Electric Supply Corporation Limited, Howrah West Substation . . .           | 126/1, Nursingh Dutt Road, Howrah.               |
| 20. The Calcutta Electric Supply Corporation Limited, Jackson Lane Substation . . .          | 7, Jackson Lane, Calcutta-1.                     |
| 21. The Calcutta Electric Supply Corporation Limited, Kidderpore Substation . . .            | 4/1, Watgunge Street, Calcutta-23.               |
| 22. The Calcutta Electric Supply Corporation Limited, Park Circus Substation . . .           | 3, Sayed Amir Ali Avenue, Calcutta-17.           |
| 23. The Calcutta Electric Supply Corporation Limited, Prinsep Street Substation . . .        | 96, Prinsep Street, Calcutta-13.                 |
| 24. The Calcutta Electric Supply Corporation Limited, Simla Substation . . .                 | 15/1/1, Balai Singhi Lane, Calcutta-6.           |
| 25. The Calcutta Electric Supply Corporation Limited, Strand Substation . . .                | 12, Raghunandan Lane, Calcutta-6.                |
| 26. The Calcutta Electric Supply Corporation Limited, Strand North Substation . . .          | 3, B. K. Paul Avenue, Calcutta-5.                |
| 27. The Calcutta Electric Supply Corporation Limited, Stand South Substation . . .           | P.19 C.I.T. Scheme XL. II Block A.               |
| 28. The Calcutta Electric Supply Corporation Limited, Talpukur Substation . . .              | 9, Beliaghata Main Road, Calcutta-15.            |
| 29. The Calcutta Electric Supply Corporation Limited, Wellesley Street Substation . . .      | 48, Wellesley Street, Calcutta-16.               |
| 30. The Calcutta Electric Supply Corporation Limited, Agarpara Distributing Station . . .    | Barrackpore Trunk Road, Agarpara, 24-Parganas.   |

31. The Calcutta Electric Supply Corporation Limited Barrackpore Distributing Station . . .	139, Barrackpore Trunk Road.
32. The Calcutta Electric Supply Corporation Limited Belur Distributing Station . . .	174, Girish Chandra Ghose Road Belur, Howrah.
33. The Calcutta Electric Supply Corporation Limited Belur Switch House . . .	6/A, Ashutosh Mukherjee Road, Belur, Howrah.
34. The Calcutta Electric Supply Corporation Limited Bhatpara North Dist. Station . . .	3, Clarke Ghat Road, Bhatpara, 24 Parganas.
35. The Calcutta Electric Supply Corporation Limited Canal Dist. Station . . .	246, & B, Vivekananda Road, Calcutta-6.
36. The Calcutta Electric Supply Corporation Limited D.V.C. Receiving Station . . .	Andul Road, Howrah.
37. The Calcutta Electric Supply Corporation Limited Foreshore Road Dist. Station . . .	108/1, Foreshore Road, Howrah.
38. The Calcutta Electric Supply Corporation Limited Fort Gloster Dist. Station . . .	Mazaffarpur, Howrah.
39. The Calcutta Electric Supply Corporation Limited Garulia Dist. Station . . .	Garulia Municipal Road, Mouzah & TS Noapara, 24-Parganas.
40. The Calcutta Electric Supply Corporation Limited Gourhati Dist. Station . . .	61, Grand Trunk Road, Gourhati.
41. The Calcutta Electric Supply Corporation Limited Majerhat Dist. Station . . .	1, Taratolla Road, Majerhat, 24-Parganas.
42. The Calcutta Electric Supply Corporation Limited Rishra Dist. Station . . .	32, Grand Trunk Road, West Rishra.
43. The Calcutta Electric Supply Corporation Limited Ritchie Road, Dist. Station . . .	5, Ritchie Road & 1 & 2, Valmcek Street, Calcutta-19.
44. The Calcutta Electric Supply Corporation Limited Shalimar Dist. Station . . .	C.S. Plot No. 38 & 38/1 on Daspara Lane.
45. The Calcutta Electric Supply Corporation Limited Sinthia Dist. Station . . .	1, Dum Dum Road.
46. The Calcutta Electric Supply Corporation Limited Southern 'B' Dist. Station . . .	28, Garden Reach Road, Calcutta-24.
47. The Calcutta Electric Supply Corporation Limited Bhatpara S. & T. House . . .	1, West Ghosepara Road, Authipore, Shyamnagore, 24-Parganas.

[No. PF.II.-7(18)/59]

**S.O. 1464.**—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 1st August, 1956, to the factory known as the South Madras Electric Supply Corporation Limited, Tiruchirappalli, there was in existence a provident fund common to the employees employed in the factory to which the said Act applies, and the employees in its branches specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the aforesaid branches.

#### SCHEDULE

1. South Madras Electric Supply Corporation Ltd., Tennur, Tiruchinopoly.
2. South Madras Electric Supply Corporation Ltd., Dalmiapuram P. O. Dalmiapuram, Tiruchinopoly District.
3. South Madras Electric Supply Corporation Ltd., Ariyalur.
4. South Madras Electric Supply Corporation Ltd., Lalgudi.
5. South Madras Electric Supply Corporation Ltd., Kulitalai.
6. South Madras Electric Supply Corporation Ltd., Tiruppalathurai.
7. South Madras Electric Supply Corporation Ltd., Mayanur.
8. South Madras Electric Supply Corporation Ltd., Musiri.
9. South Madras Electric Supply Corporation Ltd., Manachanallur.
10. South Madras Electric Supply Corporation Ltd., Pulivalam, Musiri Taluk.
11. South Madras Electric Supply Corporation Ltd., Thuraiyur.
12. South Madras Electric Supply Corporation Ltd., Viralimalai.



13. South Madras Electric Supply Corporation Ltd., Keeranur.
14. South Madras Electric Supply Corporation Ltd., Alangudi, Pudukottah Division.
15. South Madras Electric Supply Corporation Ltd., Tirukkatupalli (via) Budalur, Southern Railway, Tanjore District.
16. South Madras Electric Supply Corporation Ltd., Srirangam.
17. South Madras Electric Supply Corporation Ltd., Chettikulam, Perambalur Taluk

*East Tanjore area*

18. South Madras Electric Supply Corporation Ltd., Tiruvarur.
19. South Madras Electric Supply Corporation Ltd., Tiruthuraiipoondi.
20. South Madras Electric Supply Corporation Ltd., Kodavasal.
21. South Madras Electric Supply Corporation Ltd., Koothanallur.
22. South Madras Electric Supply Corporation Ltd., Mayuram.
23. South Madras Electric Supply Corporation Ltd., Tranquebar, Mayuram Taluk.
24. South Madras Electric Supply Corporation Ltd., Shiyali.
25. South Madras Electric Supply Corporation Ltd., Kuttalam.
26. South Madras Electric Supply Corporation Ltd., Mannargudi.
27. South Madras Electric Supply Corporation Ltd., Pattukkottai.
28. South Madras Electric Supply Corporation Ltd., Muthupet.
29. South Madras Electric Supply Corporation Ltd., Sannanallur, Nannilam Taluk, Tanjore District.
30. South Madras Electric Supply Corporation Ltd., Aranthangi.
31. South Madras Electric Supply Corporation Ltd., Vallam.

[No. PF. II.7(20)/59.]

V. R. ANTANI, Dy. Secy.

*New Delhi, the 17th June 1959*

**S.O. 1465.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the National Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to Messrs Brooke Bond India Private Limited and its workmen.

IN THE NATIONAL INDUSTRIAL TRIBUNAL OF INDIA AT BOMBAY

REFERENCE No. (NT) 1 of 1958

In the matter of the dispute between:

Brooke Bond India Private Ltd. with Head Office at Calcutta

AND

Their workmen

**PRESENT:**

Shri F. Jeejeebhoy, Judge.

**APPEARANCES:**

*For the Management.*—Shri C. A. M. Sundaram, Legal Adviser; together with him Shri W. A. Burroughs, Administrative Officer and Shri K. L. Chatterjee, Officer in the Legal Department.

*For the workmen.*—Shri N. M. Barot, President; together with him Shri Y. D. Sharma, Organising Secretary, Shri S. Varadarajan Nair, Shri J. Ganguly, and Shri K. K. Mundul, Vice-Presidents, and Shri H. L. Doonga, General Secretary, All India Brooke Bond Employees' Federation.

**AWARD**

This Reference arises out of two separate applications to the Central Government made by Brooke Bond (India) Private, Ltd., with Head Office at Calcutta, and their workmen represented by the All India Brooke Bond Employees' Federation of Delhi, requesting that the disputes between them should be referred to a National Industrial Tribunal. A number of claims had been made by the workmen;

and the employers deemed it expedient to ask for a National Tribunal to deal with the disputes which had been raised. These disputes cover a wide field as will appear from the catalogue of matters set forth in the annexures to the two applications of the parties. The company's annexure which is in fact labour's 'charter of demands', is more detailed than the annexure of the workmen, which states merely the heads of dispute. The workmen asked for and were given permission to file their statement of claim in clarification of their heads of disputes, and they have accordingly stated their particulars; the company has replied with a written statement. The orders of Reference and the subsequent amended order together with the annexures of both parties will be found attached to this award. The stage of conciliation at which claims would have taken—detailed shape had been by-passed by the joint application of the parties for a Reference.

2. Brooke Bond (India) Private, Ltd., has been registered under the Indian Companies Act and has its Head Office in Calcutta. All the shares are held by Brooke Bond and Co., Ltd., London, which is associated with a group of separate companies of similar name all over the world. Thus for the purposes of this Reference the employers are Brooke Bond (India) Private, Ltd., the company registered under the Indian Companies Act, hereinafter referred to for brevity as 'the company' or 'the concern'.

3. This company does not own any tea plantation. Its business is confined in the main to the purchase of tea at the Indian auctions, blending and processing and packing the same in suitable packages in its five factories in India, and the sale of such packed tea throughout India. The company does some small export business for which it receives a commission. Such exports have been made to London on commission basis; and there is an agreement with the Egyptian Government for the export of tea to Egypt also on commission basis. Thus the overwhelming portion of the business of this concern is confined to the purchasing, processing, blending, packing, and sale of tea in India.

4. The company first started its business in the year 1912; the factory at Hide Road in Calcutta was established in 1926. The next factory to be established was at Coimbatore in 1928; this was followed by the establishment of similar factories at Kanhan 1942, Ghatkesar 1947 and Jamnagar 1951. The only factory which also roasts and packs coffee, is the Coimbatore factory, but no issues arise therefrom.

5. The business of this concern has been run within the last half a century with considerable efficiency and success. By a carefully nurtured system of salesmanship the company has managed to establish itself as the foremost distributor and seller of packed tea in the whole of India. It has had and even now has competitors in the market like Liptons, Polsons, Tosh, Stanes, Kannan Devan, Spencers, Lopchu, Mudis, Kanois etc., but it has so far maintained a substantial lead. It has been calculated, and I think it is a fair estimate, that this concern processes, packs and sells about one third of the total tea consumed within the country. Its record of business has been good, and generally it has been treating its workmen with a degree of fairness. The company's policy has been to encourage Indian talent in and about its business, and this is illustrated by the fact that the present Chairman of the Company was at one time a salesman in the concern; one of the Directors was also at one time a salesman. It follows that where a business has been so assiduously built up, a Tribunal would be reluctant to alter any component of the basic structure which might conceivably have the effect of acting as a damper on its activities or might affect its competitive capacity, especially as the sale of loose tea, which has not the disadvantage of the substantial Government Excise duty on packed tea, is a challenge. It may or may not be that loose tea is inferior or liable to adulteration, but that does not alter its competitive character. It has been said that if everybody in India consumed but one cup of tea a day our tea industry would flourish.

6. It would be useful if at this stage I gave a few of details concerning the business of the company. The company purchases its tea at auctions at Calcutta and Cochin, and the tea so purchased is thereafter sent to the several factories for blending, processing and packing. Tea is blended to suit the palate; processing of tea has to be done to meet the requirements of customers and their pockets; and the tea after processing and blending is packed into packets and packings of different sizes and with different trade labels to cater to the requirements of the market. For instance, the Kora Pice Packet is a small bag into which a small quantity of dust tea is dropped and sealed, and it is sold at two pice per packet. Then there is the larger packet of dust tea which finds a ready sale in the hot tea shops. There is also the more expensive 1 lb. packing of the superior grade

which has its own market. I refer to these few packings just by way of illustration. Actually there are many and different packings. Naturally the company from time to time produces more of a particular quality than of another in order to suit the requirements of the market; the company also at times discontinues a particular brand and label and introduces another blend or packing in order to satisfy public fancy. The tea after being packed is put into wooden cases and sent to different depots from which it is sold.

7. For the purpose of controlling and furthering its sales the company has a well knit organisation. At the base is the depot, to which ordinarily a salesman and a vanman are attached. About 60 or 70 depots constitute a branch under a Branch Manager. For about 3 or 4 branches there is a Group Manager. The Branch office is usually located at one of the cities or towns, and the Group Manager is quite often on tour. The salesman is the person intimately connected with selling of the packed tea in the local market. He is given detailed instructions by the head office or branch office as to his beat; he has to traverse a certain route and a certain area on every specified day, and he is not to deviate from that programme. He takes with him his vanman and the tea in the van on his rounds, and apart from his principal duty of selling tea, he has to see to the proper display of the tea packets in the shops, and the proper exhibition of the company's advertisement placards. So carefully is the itinerary of a salesman worked out that the branch office or the head office could with certainty know where a salesman would be at a particular time on a particular day. Apart from a few cases like canteens of mills, the salesman is to sell his tea against cash payment; every day he must deposit his daily cash in the Government Treasury of the place, or send it by money order to the Head Office, as he may be instructed. The salesman at the end of the day makes an entry of the daily sales and posts his statement to the branch office. The salesman's supervisor and guide is the Controller, who in an emergency may have to act in the salesman's post until other arrangements can be made. The Controller also at times accompanies a salesman on his rounds with the ultimate object of aiding the salesman. Above the Controller is the Branch Manager, and above all is the Head office, which among other duties keeps a careful watch on the sales. The salesmen are given a scale which is lower than that of a clerk, but receive in addition to their basic wages and dearness allowance a certain commission on sales effected by them. It is not unusual for sales in a particular region to outstrip the capacity of a salesman to deal with it. In consequence of which a portion of the area is taken out of the salesman's jurisdiction and added to another region in order to make it a viable unit, and the salesman who has lost a portion of his region is given some compensation. The salesman is also allowed to appropriate the empty cases of the tea sent to his depot.

8. As regards the vanman he has to fill his van with tea according to the directions of the salesman in anticipation of the day's sales and he goes round the area with the salesman delivering tea from his van as the sales are effected. The van is a small unit on ball bearing wheels and is trundled by the vanman on the round. At the end of the day the vanman prepares the van for the next day. It is one of the duties of the vanman to keep his van clean and to wash it at regular intervals. The vanman also accompanies the salesman when the latter's rounds take him outside the local area, or in the alternative the salesman might engage a casual daily labourer for the day at the place he is visiting. There are no middlemen employed by the concern and there are no wholesale agents for the distribution and sale of the packed tea.

9. The company's head office at Calcutta co-ordinates and manages the entire business of the company and controls policy and accounts. The branch offices all over India control and manage the sales and administration within their jurisdiction; and the godowns are under the branch offices.

10. The scales of the clerical staff all over are on an all-India basis since April 1956. The scales of pay of the subordinate staff are also fixed generally on an all-India basis. The salesmen are also paid on an all-India basis since 1956, but for four weekly periods.

11. As regards dearness allowance, the head office staff at Calcutta and the monthly rated staff in Calcutta are paid dearness allowance on the Bengal Chamber of Commerce system which is linked to the cost of living index as published by the "Capital". The dearness allowance of the branch and factory office staff (other than the head office and monthly paid staff in Calcutta) is based on the all-India Consumer Price Index with certain adjustments in respect of areas. The dearness allowance for factory labour is based on the dearness allowance generally paid in the local area of the factories.

12. A contention was raised that this Tribunal is not competent by reason of the terms of Reference and its annexures to deal with the subject of dearness allowance. I have negatived that contention, as well as the contention that the watch and ward do not fall within this Reference, for reasons which I have given in my diary orders. It is abundantly clear that where a claim for increased emoluments is made as in this case, not only the basic wages but also the scheme of dearness allowance become an open issue; a wage is concerned with total emoluments and it is a fortuitous circumstance that in India we have tended to keep apart basic and dearness allowance as two components for the sake of convenience.

13. Before I deal with the claim made by labour for a general revision of the wage structure, I shall first consider the issue pressed by labour to the effect that all the hourly rated and the daily rated workmen should be made monthly rated. Labour has contended that originally the system in the factories was to have monthly rated workmen but that gradually the daily rated and the hourly rated have come into existence, with the result that the emoluments of specific categories who do the same type of work show differences. It is said that the monthly rated always get more than the daily rated or hourly rated. Labour therefore contends that all workmen of this concern everywhere in India should be made monthly rated so as to get a higher emolument; they also support the claim for monthly rated on the basis that they prefer to have it for advantages which seem to them real; one of those advantages is of course the fact that whether there is work or not for a monthly rated he will be paid for the whole month, whereas in the case of the daily rated and the hourly rated it is different. The company strongly objects to any such conversion of daily and hourly rated to monthly rated, and contends that such a step would be retrograde, and would result in indiscipline and reduce production.

14. Labour is not correct in its premises on this issue. In the factory in Hide Road (Calcutta), which was started in 1926 the operatives were from the first piece-rated and daily rated, and only the clerical category and the Engineering ministries were monthly rated. In Coimbatore which was started in 1928 the workers were originally daily rated and were converted into hourly rated by an agreement of 1950. In Jamnagar which was started in 1951 and in Ghatkesar which began in 1947 the operatives have always been hourly rated, except that in Ghatkesar the electrical supervisor is monthly rated. In Kanhan which started in 1942 all the workers were hourly rated except the clerical staff and some workers in the engineering department who were monthly rated. There are of course the subordinate staff who are monthly rated and must necessarily remain so. Thus the monthly rated to which labour refers under this head is confined to only 33 persons in the Engineering Department of Hide Road like maistries (repairs and manufacturing work of machinery, fitters and Maintenance) metal workers, turners, welders, carpenters, electricians, who had always been on monthly rated even prior to 1949. After 1949 fresh recruits in this engineering department have been taken on daily rates. In the result the workmen of the engineering department who were recruited after 1949 on daily rates complain that their wages are much lower than the emoluments of the monthly rated even though they do the same work. It should be here mentioned that while in Hide Road the workmen are piece-rated in all the other factories the workmen are hourly rated, and have been given an incentive scheme which all the factories have worked with some advantage to labour with the exception of Kanhan. In the Kanhan factory the workmen have not been giving a fair day's work for a fair day's wage and have further refused to work the incentives, and they give the excuse that they are afraid of retrenchment.

16. The question naturally arises as to why the engineering workers of Hide Road were changed from the monthly rated system to the daily rated, and the management has explained that in the earlier days of the factory in Hide Road in Calcutta there was a dearth of engineering staff and a higher rate had to be paid in order to procure their services. Such conditions have now disappeared. It was also considered desirable that a scheme of daily rated should be introduced in the place of the monthly rated engineering personnel, because the company had had trouble with the latter. When Hide Road factory was started in 1926 there were very few machines at the time and the general system of payment for engineering personnel in Calcutta in those days was monthly; skilled workers were difficult to get and had to be paid attractive wages; in those days it did not cause much concern because there were just a few machines. But in 1946

more machines came in, and the increase of engineering workers had to be considered. The monthly rated maistries at that time were not co-operative for maintenance jobs; maintenance had to be done after office hours and on holidays, but this monthly rated staff would work for half a day even on holidays and take a whole day's overtime. So the concern decided that fresh recruitment should be on daily wages, and the daily rated were willing to work on maintenance on holidays and after working hours. Even now it is said the daily rated are mostly looking after the maintenance of machines, and the experienced monthly rated are looking after more important work. Some engineering staff recruited after 1948 on daily rates were volunteers who had asked for transfer from their piece-rated system to be trained in the engineering department. For 10 years they have worked side by side with the monthly rated and they have been earning more than similar categories employed elsewhere in Calcutta, but less than the monthly rated of Hide Road.

17. Taking the factories one by one, there are agreements in the Jamnagar factory, as also adjudications, and an agreement for hourly rates for five years from 10th April, 1957. In Coimbatore it is stated in an award of 24th August, 1948 that the first issue of monthly salary was not pressed. Ex. 22. In 1950 the Coimbatore workers agreed to hourly rates, the dearness allowance, and incentives, as settled between the parties, and there was another agreement on these points signed by the Labour Officer on 28th September, 1956, to have effect for a period of five years. Furthermore the last Coimbatore agreement is dated 26th August 1958 (after this Reference) and amongst several things it made certain changes in the emoluments on certain lines; and thus on 26th August, 1958 there was a further confirmation of the hourly rated scale. As regards Ghatkesar, in 1953 several claims were made against the management ending in an agreement by which the system of hourly rates was accepted, according to annexure to Shri Rao's affidavit. Ghatkesar started with daily rate and in 1950, it went on to hourly rates. In 1953 the rates were revised and the Indian Rupee was made applicable. Several agreements were entered into in 1956, on various points but nothing was said about conversion to the monthly scale. In Kanhan which started in 1942, there were several agreements, and the scales and rates and weightages were fixed by an award of the Nagpur Industrial Court dated 13th July, 1956. In paragraph 5 of that award it is stated that the demand for conversion to monthly rated was not pressed, and the agreement between the parties was incorporated in an award of 13th September, 1957. In the Hide Road factory which started in 1926 there were from the first piece-rated as well as daily rated workers, and piece-rate was for productive workers. The daily rated were the general mazdoors. Then in 1951 23 claims were made by labour, and the first demand was to the effect that the piece-rated should be converted to monthly rated. It is stated in the Award which was made in 1953 (Exhibit ABU) that this claim for conversion of piece-rated into monthly rated was not pressed. There were fresh demands on 15th January, 1957, that piece-rated be abolished and replaced by monthly rated system, but the Government of West Bengal held that this did not call for a Reference. Thus only two classes totalling about 153 out of 1127 workmen at Hide Road are daily rated. They are general mazdoors and engineering maistries and canteen cooks. The company wants hourly rated in all the factories and piece-rated in Hide Road as now existing. Labour would like piece-rate in all the factories as it is in Hide Road. The fact remains that there are no daily rated anywhere except 153 at Hide Road. The monthly rated in engineering department are in Hide Road, Kanhan and Coimbatore.

18. As regards dearness allowance for clerks and everybody else who are monthly rated there is a fixed dearness allowance by percentages of basic fluctuating according to all-India indices. All factory workers except Jamnagar get dearness allowance fluctuating according to local indices. For Jamnagar there is no local index available. So far Grade II and Grade III it is fixed at 18.75 nP. per hour and for Grade I workers it is expressed in terms of percentages on basic nP. per hour. 98 per cent. for 29 to 47 nP. basic, 47 per cent. for 48 to 59 nP. basic, the scale being 29 nP. to 59 nP. per hour. In Hide Road the scheme of dearness allowance fluctuates according to West Bengal indices. Except at Hide Road where the scheme of dearness allowance fluctuates according to West Bengal indices the dearness allowance in factories is either by award or by agreement.

19. It has been urged by labour that the wages of the monthly rated were always higher than the wages earned by similar category which was working on daily rates. It is however not possible to proceed on such assumption. Instances were given by the concern, and at least two of them are beyond controversy, where a corresponding category gets more than the monthly rated.

20. It is thus established that only in the Hide Road Engineering Department the workman had been monthly rated; and claims made from time to time in the different places to convert their hourly rated schemes to monthly rated were either negatived by agreement or award or were withdrawn.

21. I agree with the contention of the concern that having regard to the historical background of wages in Hide Road and elsewhere, and having regard also to the difficulty which they had encountered from monthly rated workers, the concern was justified in adopting the daily rated system. It may be that in the process of conversion a particular category got less than what the monthly rated received; but on the other hand the wages of the monthly rated engineering personnel had been fixed fairly high as a result of the difficulty of getting suitable personnel in the early stages, the dearness allowance had gone up sharply, and the present high emoluments of the pre-1949 monthly rated engineering personnel is due in no small measure to the fact that by the 1956 revision a liberal advance was inevitable to these remnants of the old order. To compare their wages as now existing with the total emoluments of the daily rated of Hide Road of similar categories is to a large extent unreal. Apart from other considerations, there is a general trend in industry for payment by the hour; it probably has basis in the additional control over production which this system promotes; and it has been a notorious fact that the factories of this concern have differed widely in the production on lines of tea, which means that certain bodies of workers have not given a fair day's work for a fair day's wage. In fact it was stated by labour's witness from Kanhan that he could not produce any more even if he wanted to, when in fact it has been established that as soon as the workers in Kanhan have reached a certain day's production they decline to work any more, and stop work at 4, even though it is their duty to work till 5-30 for the whole shift for which they are paid. The justification offered for stopping work short of the shift was that the workmen were afraid of retrenchment, but it has really no basis. There has never been any retrenchment since 1947. There was once a small anticipated lay-off which however was amicably settled with the Management. Having regard to all these circumstances I find no justification for changing from the present piece-rate, daily rate and hourly rate schemes to the monthly rated scheme. Hide Road has always had piece-rate, Ghatkesar, Jamnagar and Kanhan have always had hourly rates from the inception; and Coimbatore has had the hourly rates from 1950. Thus the hourly rates have become the settled practice, and have worked well. In the circumstances stated, it would be unwise and impracticable to revise the wage structure of the hourly rated and daily rated and make them all monthly rated; and I cannot allow this claim, which if allowed will be an invitation to trouble. As to whether the hourly rated and the daily rated get a sufficient wage is another matter, and that subject will have to be examined separately from this question of conversion.

22. I shall now proceed to give a short summary of the work at the five different factories of the concern.

23. The Hide Road factory at Calcutta was the first factory established by the concern. It started operations in 1926 although the concern was registered in 1912. Like all the five factories it is engaged in the blending, processing and packing of tea, and employs 131 clerks and 996 workers, including monthly paid non-clerical staff. At Hide Road the system of wages is monthly rated, daily rated and piece-rated (although the monthly rated will slowly disappear), and it has been evolved over the last thirty years or more. An effort made by the company in November, 1956 to convert the daily rated into hourly rated on terms stated in their memorandum failed because the workers did not accept it. Calcutta is distinguished from the other four factories in that it has no hourly rated system of payment. The working staff at Hide Road is made up as follows:

- (a) Clerical staff—numbering 131 monthly rated.
  - (b) Monthly paid non-clerical workmen numbering 140 including 33 mals-tries of the engineering department. These have been described in exhibit 12A.
- These include telephone operators, drivers, cooks (officers' mess) bearers (office) sweepers, head sweeper, watch and ward consisting of sub-dar, Jamadar, Havildars, watchmen, printing operators and maistries.
- (c) Daily rated mazdoors numbering 116 engaged for work of a general character.
  - (d) Piece-rated workers in packing, export, blending, bags, and bag and printing departments, numbering 703.

- (e) 37 daily rated engineering workers comprising fitters, electricians, turners, raj maistries, Chinese carpenters, welders and sheet metal workers.

24. There is no doubt that when the factory first commenced the necessity for certain categories like maistries and electricians was of less importance, as the packing and bag making were done by hand. Later when machines began to come in to do this work the maistries and electricians began to assume importance. As I have said before, they were the monthly paid, and received dearness allowance at one stage even higher than the Bengal Chamber rate, but in any event they received the highest dearness allowance of all. From 1949 the company started changing over to automatic packing, and also decided that fresh recruitment of maistries and electricians would be on daily rates. As to actual emoluments, it is true that the daily rated maistries and electricians of today are getting less than what the old monthly rated are getting, but in matters of comparison of this kind it must be appreciated that for the first time in 1956 the company gave graded scales to its employees with a scheme of adjustments, and the monthly rated category of the concern which would be disappearing was treated with more than ordinary generosity, and to that extent these present wages are somewhat stilted.

25. The daily rated skilled workers in the engineering department of Hide Road factory have a selection grade, and the piece-rated and the daily rated workers receive dearness allowance on a scheme which is linked with the West Bengal Government's working class cost of living index. By a previous award a food concession was lifted, and in lieu thereof Rs. 6 was allowed to workmen who had been enjoying food concessions to that date; and in addition to wages, all employees are given the following amenities: Annual/casual leave, sick leave, festival holidays, provident fund, gratuity, uniforms (supplied and washed), canteen facilities and subsidies to the extent of 75 per cent. on sweets, puris and fruits, superannuation fund, savings account at 5½ per cent. interest, bonus paid at 25 per cent. for the last three years, special sick relief, half a maund of free firewood, cotton vests, woollen shawls, dusters

26. The Hide Road factory has the following departments or sections: Packing, despatch, bulking, blending, box assembly, shipping, engineering, bag making and printing, general stores, tailoring, canteen, scrap, salvage, watch and ward, main office and general establishment, outside sheds for the storage of tea, time office and dispensary. In the packing department blended tea is received into packets flowing through hoppers and the packets are arranged into parcels. The labels indicate the blend of tea. Packing is done by machines and the workers feed the machine, attend to it, receive the packed product and make parcels as required. In addition to machine packing some lines of tea are packed by hand on benches; the process here consists of a worker known as the catcher receiving a fixed quantity of tea through a spout into the packet, which he passes on to the next man who juggles it and folds it; the package is next passed to the worker who puts on a label, and then gives it to the parcel man who arranges it in parcels, and the parcels are put into cases. The packed cases next go to the despatch department for despatch by rail or road. In the bulking and blending departments the tea is bulked, processed and blended before the packing starts in the packing department, and blending is naturally according to requirements of each blend. In the box assembly department the boxes are assembled for use in the packing department; and the bag and printing department prepares bags and prints labels and flats according to requirements. The paper required for bag manufacture and printing is kept in the general stores whence they are despatched as bags, flats etc. to other factories where required. Other packing material and stationery also remain in general stores. The engineer department is responsible for the maintenance of the machine in the factory, as also for the fabrication of machinery parts. The scrap salvage takes charge of scrap from the various departments and sells waste materials. The tailori department makes uniforms and attends to repairs to cloths. The main office establishment deals with the general correspondence, and the factory and time office maintain service files of factory employees, leave registers etc. The machine in the factories are small, compact, simple to operate and automatic. The workers on these machines merely feed them with materials like paper reels, flats, bag, band labels etc. If there is some obstruction like a crumbled paper the process, the machine is stopped for removing the obstruction and is restarted by the simple process of pulling a lever. At the delivery end of the machine the worker receive the tea packed in flats or bags as the case may be and make them into parcels and then puts them into cases. The workers on these machines do not do any adjustments or repairs and their work is simple. On one Kora pice packet machine they used

to be six workers for carrying out these simple operations, and these were reduced to 5, and further reduction has been possible to 4. The company says that it still does not understand what the fourth man has got to do. The adjustments to the machine are done by the engineering section.

27 The concern has brought to the notice of the Tribunal that in the bag and printing department there are 10 workers who since their appointment had been on monthly rates and gave low production, in fact it was said that their production was as low as 45 per cent of the machine efficiency. Three years ago the company introduced surplus bag makers to work on these same machines and paid them as piece rates their already existing rates on the printing machines, whereupon the average earnings exclusive of dearness allowance increased from 3 86 nP per day to 7 50 nP per day and efficiency increased to an average of 75 per cent. Thereafter the monthly paid printing workers raised their production to the present level.

28 The Union asks that all workers employed on packing, bulking, strapping, bag making, box assembly, tailoring, press printing, stores should be classified as skilled workers. The company however contends that work on these automatic machines is of a repetitive character and that no special skill is required to operate the machines, and in my opinion that is a fair assessment. Labour had alleged that the wages of daily rated and piece-rated workers in the bulking and box departments were pooled and divided. This has been denied by the employers who state that all operations which are capable of being suitably piece-rated have a rate in these departments. But those operations which are incapable of being placed on a piece rated basis due to the peculiar nature of the work are being paid on a flat rate of 6- annas per hour per head and this is put into the pool of the gang. There is thus no separate time rated wage payment to any individual worker, and daily rated workers' wages are never pooled with piece-rated workers' earnings.

29 There is in this concern what are known as non productive workers and productive workers. For instance non-productive work consists of disposing of empty venesta cases, repairing venesta cases, dismantling venesta cases, joining shooks, cutting shooks into slices, sorting nails etc. In the bulking department also where the pool system exists, a flat rate of 6- an hour per head for non-productive work is paid for nail salvage, tea sweeping, filling of tea fluff into bag etc. The system of payment in the bulking and box department is by pool. All the earnings earned by the respective gangs during the day are pooled and shared among all the workers employed in the respective departments, and having regard to the peculiar nature of the work in these departments this system is considered beneficial to the workmen themselves besides achieving higher production. In the bulking department there is a special problem as it is not always possible for these workers to be continuously employed in that particular job. Therefore the company compensates these workers up to Rs 3 75 per day per head. In the bag and printing department and the packing department whenever the piece-rated worker is transferred from one bench or machine to another bench or machine and as a result his piece-rate earnings are reduced, the worker is paid his individual earnings calculated on the wages received by him over the previous three months. If however the piece-rates are higher on the transferred machine or bench the worker is paid such higher wages based on his production. If a piece-rated worker is found surplus to requirements he is temporarily employed on the slitting and reeling machines or on the Lawson machine for cutting paper which have to be on daily rates. The company has denied that the present strength of the factory is 850 and confirms that it is 1127. It has further denied that production in the factory has increased by  $2\frac{1}{2}$  times during the last four or five years. The figures of production show that the total poundage was highest in 1951 and is at present about  $\frac{1}{6}$ th lower than the 1951 production. The company has also denied that there has been increase in workload, and has asserted that if anything the workload has decreased due to the introduction of highly automatic packing machines.

30 The schemes of payment in the four factories (other than Hide Road) will be dealt with when considering incentives applicable to them.

#### JURISDICTION

31 A question as to jurisdiction was raised at a very late stage in these proceedings, after the evidence had been led, and almost towards the conclusion of the final arguments. Both the parties had been prolix in the presentation of their cases, and no point however small had been omitted either in the evidence or in the arguments. It was therefore astonishing that for the first time on 16th April,



1959, after some three months of almost continuous hearing, Shri Sundaram asserted that this Tribunal had no jurisdiction to decide questions like wage structure, leave and other issues, if they had been dealt with in the large number of agreements subsisting between the parties not only before the Reference, but even after the Reference had been made. This question of jurisdiction was never raised as a substantive plea and could not be raised as such for the reasons which I shall hereafter state; but Shri Sundaram on behalf of the concern refers me to paragraph 16 of the written statement which reads as follows:

"Another important fact that the company desired to submit in this connection is that in the Company's factories, the wage scales, dearness allowance and other amenities have been evolved as a result of collective bargaining by negotiations and agreements with the workers and in some cases as a result of adjudication by Industrial Tribunals. The Company craves leave to rely upon such settlements or Awards when produced, and it is submitted that such settlements and awards are still binding according to law."

32. Undoubtedly these agreements and awards or some of them are "still" binding, and the terms of those settlements and awards must continue to be applied until they have been replaced by the award of this Tribunal or by any other agreement of parties. But nowhere in the whole of the lengthy written statement has it ever been suggested that this Tribunal should not concern itself with those fundamental issues which had any relation to the subjects dealt with by subsisting agreements or awards. The fact is that after labour had made a set of claims which it called the "Charter of demands", the company first, and labour a little later, applied to the Government separately for Reference of those claims to a National Industrial Tribunal "in respect of the matters set forth in the said application and reproduced in the schedule hereto annexed."....Most of the claims had reference to issues which had either been decided by awards or had been partly or wholly the subject of agreements between the parties; and it may here be mentioned that there have been some agreements between the parties after the parties separately asked for reference to a National Tribunal and even after the Reference. Acting upon these two separate applications of the parties the Central Government on 5th July 1958 made a reference to this Tribunal under sub-section (2) of section 10 of the Industrial Disputes Act, 1947. By a subsequent notification of 11th July 1958 the Central Government amended the Notification of 5th July 1958 by altering the words "sub-section (2) of section 10" to "sub-section (1A) of section 10". This was obviously done because of a lacuna in sub-section (6) of section 10 which had application only to a Reference made under sub-section (2). The fact however remains that apart from the termination of the awards and the agreements, the employers had of their own volition agreed to have all the issues in the charter of demands considered by a National Tribunal, and it thus abandoned any particular rights it might have had by reason of the valid subsistence of any awards and agreements. If the employers felt that because of the subsisting agreements this Tribunal had no jurisdiction in certain matters they should have raised the question at the earliest possible opportunity. In their letter asking for a Reference they made no reservation as to subsisting agreements or awards nor did they contend that the more important issues were already covered by binding agreements which could not be touched. On the contrary they asked for reference of all the disputes to adjudication. I am aware that the question of jurisdiction is a question of law and can be raised at any time, and according to the employers they had it in mind all along by reason of what they had stated in paragraph 16 of their written statement; if that be so, it is all the more surprising that they should have embarked on the enquiry without first raising this question of jurisdiction. Even subsequent to the Reference the employers have been entering into agreements on various points in some of the factories. But since both the parties asked for a National Tribunal to determine the disputes which had been raised, all past agreements on the subject of the issues referred went into the melting pot; and the agreements after the Reference must have been intended to be temporary for the day to day working of the concern until such time as the National Tribunal gave its award on the issues. This is a charitable view to take of what the employers have been doing after the Reference; for on any other assumption they were dealing with labour not fully conscious of its position and unwary of what it was doing. I hold that from the very fact of their submission to the Central Government to refer labour's claims to a National Tribunal, the employers had impliedly accepted the position that their wage structure and conditions of service were open to review notwithstanding the awards and the agreements already concluded or which might be concluded for day to day working until the National Tribunal give its decision. of course within the terms of the so-called 'Charter of demands'. It is not possible to hold

otherwise, because the letter to the Government asking the Government to refer these matters to a National Tribunal would have no meaning if the agreements were to act as a bar to a National Tribunal's consideration of the issues involved. If the employers felt that their agreements and awards could act as an answer to the workmen's claims, then they should have made it clear from the first, instead of asking the Government to refer the issues to adjudication. During the course of the hearing the awards and agreements were introduced as exhibits, and as I understood it, in order to establish that the systems of piece-rates and hourly rates in the respective factories were firmly rooted by acknowledgement of labour, and that I should negative the plea of conversion to monthly rates. If I had felt that the awards and agreements would be used to oust jurisdiction, the hearings would naturally have proceeded on different lines; if the subsisting agreements were to remain untouched, then the principal issues in this Reference would have to be left alone; for instance, on the predominant subject of wages, it would be futile for the Tribunal to attempt to decide questions of wages while fettered by the terms of existing agreements; for a proper wage structure is a composite scheme, and to embark on a judgment on wages, with certain components already pegged, would lead to an unbalanced scheme. Throughout the hearing till near the end of addresses the position of the employers as I understood it was that I should accept and adopt in my award the points previously settled by agreement on the ground that they represented sound solutions; it was not urged that the agreements were a bar to alterations of matters contained therein. I hold that I have jurisdiction to deal with all the issues notwithstanding subsisting agreements and awards, and that in any event I am in duty bound to examine, and if necessary alter the emoluments, subsisting agreements notwithstanding, in the light of the Tripartite Agreement of the 15th Indian Labour Conference. I shall now deal with the contentions of the concern concerning that Tripartite Agreement.

#### THE TRIPARTITE RESOLUTION

33. It was pointed out to Shri Sundaram in the course of his final address that having regard to the capacity of this concern (to which reference will be separately made) a need-based wage was the minimum that could be given; the 15th Indian Labour Conference, by its Tripartite Resolution of 11/12th July, 1957 had promulgated a formula for wage fixation by agreement of employers and workmen, with the Government as a third party, and the Resolution is in following terms:

"While accepting that minimum wage was 'need-based' and should ensure the minimum human needs of the industrial worker the following norms were accepted as a guide for all wage fixing authorities including minimum wage committees, wage boards, adjudicators, etc.

- (i) In calculating the minimum wage the standard working class family should be taken to comprise three consumption units for one earner, the earning of women, children and adolescents being disregarded.
- (ii) Minimum food requirements should be calculated on the basis of a net intake of calories as recommended by Dr Aykroyd for an average Indian adult of moderate activity.
- (iii) Clothing requirements should be estimated on the basis of a per capita consumption of 18 yards per annum which would give for the average worker's family of four a total of 72 yards.
- (iv) In respect of housing, the rent corresponding to the minimum area provided for under Government's Industrial Housing Scheme should be taken into consideration in fixing the minimum wage.
- (v) Fuel, lighting and other miscellaneous items of expenditure should constitute 20 per cent. of the total minimum wage.

Wherever the minimum wage fixed was below the norms recommended above, it would be incumbent of the authorities concerned to justify the circumstances which prevented them from adherence to the aforesaid norms."

It was suggested to Shri Sundaram that a need-based wage on those lines would have to be ascertained and the wages of the concern would have to pass the test of this Resolution. Shri Sundaram then urged that the Tripartite Agreement was not applicable to this concern because of the several agreements which had been entered into between the parties from time to time and also because of certain other circumstance which he considered material. He urged that the Resolution of the Tripartite Conference was nothing more than a Resolution, that it had no binding effect, and that it could have no practical application unless and until the

Government itself had worked out a minimum wage according to the requirements of the Tripartite formula.

34. As the employers' as well as the workmen's representatives had agreed to this Resolution at the Conference, naturally the concern before me was in no position to repudiate it, and in fact did not repudiate it. The Resolution must therefore be honoured. Since Shri Sundaram has raised a doubt as to present applicability of the Resolution, it is right that I should deal with the subject so as to clarify the position.

35. Out of the Tripartite Agreement five essential principles emerge:

1. The minimum fair wage must be a need-based wage and should ensure the minimum human needs of the worker;
2. For easy calculation the need-based wage is to be found by the application of a formula provided in the Resolution;
3. All wage fixation authorities must give effect to the Resolution;
4. If the wage fixation authority fixes a minimum wage below such norms, it is incumbent on such authority to justify the circumstances which have prevented it from adherence to the aforesaid norms;
5. Naturally if a concern has superior capacity a wage higher than the need-based may be given as the minimum.

36. It is true, as Shri Sundaram has pointed out, that the Supreme Court in the Journalists' wages case has traversed the concepts of wage fixation; but Shri Sundaram's argument is not acceptable when he says that the Supreme Court's decision alone is to govern the mathematics of wage fixation, for it is open to the parties at any time to come to agreements as to the manner in which their wages should be found, and the Resolution has done that to the extent stated therein. At this Tripartite Conference the employers and the workmen under the auspices of the Government came to the conclusion that the minimum wage should be need-based; it declared that the need-based wage should be so calculated as to provide for a family of 3 consumption units (father, mother and 2 children) with consumption of 2,700 calories each, that the calculation of calories should be according to Dr. Aykroyd's formula (whether it be the balanced diet or the improved diet as contended by different parties), that rent shall be calculated on a particular basis, that 72 yards of cloth should be allowed, and that the miscellaneous items should constitute 20 per cent. of the total bill. That was the agreement of the parties and to that agreement the employers' representatives have duly subscribed. Therefore that agreement is binding on employers and workmen until it is validly repudiated or replaced. It is the parties' agreement, and it is no violation of the concepts of wage fixation found in judicial decisions.

37. In industrial matters agreements are of prime validity, for they represent the results of negotiations and adjustment. Some stage may be reached when parties consider that there should be a fresh evaluation, as in the case of matters in this Reference; but so long as this Tripartite agreement continues, it stands and has more than moral force. In fact it is the immediate objective in wage fixation. To my mind it is abundantly clear that no wage fixing authority can ignore the tripartite agreement, and indeed having regard to the language of the Resolution it will be incumbent on every wage fixing authority to give practical shape to that Resolution, which is a basic and fundamental agreement between employers and workmen, and must affect subsisting levels of wages to the extent that they are at variance with it.

38. Much has been said on the connotation of the term "minimum wage" in the Resolution, but here again it is clear that the "minimum wage" referred to in the Tripartite Resolution is the lower limit of a fair wage, and has no reference to the statutory minimum wage or to a minimum wage based on the bare subsistence. As the Fair Wages Committee's Report has clearly indicated, the minimum fair wage is the floor of that spread of fair wage of which the ceiling is the living wage. In a concern like the one before this Tribunal, with its undoubted prosperity and sound expectations of the future, a fair wage cannot be refused.

39. The Tripartite Resolution has given in the place of indirect methods of calculation of the cost of living a certain formula for the ascertainment of the minimum of a fair wage, and to that extent wage fixation has been facilitated. There is nothing in the agreed formula of the Resolution which is opposed to anything said by their Lordships of the Supreme Court or in the Fair Wages

Committee's Report or in any of the decisions of the Labour Appellate Tribunal; the merit of the Resolution lies in its unanimity. It is therefore clear that the first step in wage fixation here is for the Tribunal to ascertain the minimum fair wage in accordance with this formula in so far as it applies to this concern's establishments in India. Fortunately this task has been made easier by the fact that the office of the Central Wage Board for Cotton Textile Industry, of which I am the Chairman, has made a compilation of the relevant figures.

40. There may be some dispute as to whether we should strive for the "improved diet" or for the "balanced diet" of Dr. Aykroyd's formula; there may also be some little uncertainty as to whether the vegetarian or the non-vegetarian diet or something in between is to be taken for the purposes of our calculations. But I am quite unable to accept the contention of the management that it is not the function of this Tribunal to work out the figures in terms of the Resolution, and that the wage fixing authorities must refrain from applying the Resolution until such time as the Government has worked out all the detailed calculations. Such a contention is negated by the very language of the resolution. The resolution embodies a formula which has to be applied to ascertain a minimum fair wage; it is a formula essentially based on needs, and the cost of living could be ascertained by reference to the prevailing prices in the market applied to the articles of diet and the quantities specified in Dr. Aykroyd's formula. Fortunately for the Tribunal a visit to the market by the Tribunal or its representatives is not necessary, because the Government itself publishes at most of the relevant places from time to time the details of the pattern of consumption of the workmen, their preferences in diet, and also the cost at which such articles of consumption can be purchased. From these figures it is not so difficult to work out the minimum fair wage in terms of the Resolution, which by and large is based on the Report of the Fair Wages Committee.

41. It has been urged by Shri Sundaram that since the Supreme Court has indicated certain criteria for the ascertainment of wages nothing else but those criteria should be followed. There is no conflict between the criteria as stated in the Supreme Court judgment and the criteria laid down by the Fair Wages Committee's Report or by the Labour Appellate Tribunal; all of them indicate that the minimum of a fair wage must be based upon a realisation of human needs. The Resolution however recognises the difficulty generally encountered in ascertaining such human needs, and has given a formula which is intrinsically fair and allows for the ascertainment of the cost of living on a recognised basis by a mathematical calculation, on figures which are mostly supplied by Government publications. To be more explicit, and taking as an example Dr. Aykroyd's "balanced diet", Dr. Aykroyd has given a list of the components of diet which would constitute a balanced diet; he has also given against each component the quantity which should be allowed. For instance he has taken cereals as 14 ozs., but cereals can be of different kinds, like rice, wheat, jowar, bajri, etc.; the pattern of consumption of these several cereals according to the food habits of the workmen has however been specified in Government publications; therefore it is easy to ascertain how many of those 14 ozs. of cereals should be rice or wheat or jowar. Then again Dr. Aykroyd has provided for other articles of diet like milk, vegetables, ghee, oils, sugar, etc., and for these too the prices can be ascertained in the same manner as in the case of cereals. Then there is the rent for which the Resolution has provided a norm. As regards cloths for 4 persons comprising the three consumption units, the Resolution has provided 72 yards of cloths, and these also can be divided in accordance with the clothing requirements of the people as stated in the relevant Government publications. As regards the miscellaneous expenses it is to be 20 per cent. of the total wage. Thus there is no difficulty in ascertaining the cost of living based on needs, of course within certain limits of accuracy, and we can work back by a simple process from the total calories of Dr. Aykroyd's formula to 2,850 calories as required by the Resolution (150 calories being required for wastage). It must of course be conceded that no lead is given by the Resolution as to whether the vegetarian diet or the non-vegetarian diet is to be taken as the basis of calculation; there is also a difference of opinion whether the 'balanced diet' of Dr. Aykroyd or his cheaper 'improved diet' is indicated by the Resolution. While papers were circulated to the members of the Conference prior to the meeting, no record of the discussions is available. But in these matters we must take a common sense view, and arrive at some reasonable conclusions which for all practical purposes will give a fair idea as to the cost of living on the basis of needs. Thus there may be room for complaint that the Resolution has not specified a vegetarian diet and a non-vegetarian diet (the latter being more expensive), that the Resolution intended the "improved diet" to be selected and not the "balanced diet", the latter being

a little more expensive. But these are contentions which can never be fully resolved, for there must be vegetarians and non-vegetarians amongst the workmen, and we have to take the wording of the Resolution as it stands. In my opinion the Resolution intended that the "balanced diet" should be taken into account, and not the cheaper "improved diet", which while being an improvement on the bare sustenance diet still fell short of the requirements of a balanced diet, which according to Dr. Aykroyd alone could keep a workman in a state of efficiency; and we must aim at a "balanced diet" so that the workman may be sustained in a state of reasonable physical efficiency, specially when we are giving the minimum. I cannot but hold that the immediate objective is the minimum of a fair wage, and that figure should be ascertained by the application of the Resolution. It will vary somewhat between Calcutta, where the main office and the principal factory of the concern are situated, and the other four factories of the concern in India, namely, Coimbatore, Ghatkesar, Kanhan and Jamnagar. I do not say that the vegetarian diet alone was indicated by the Resolution, but the figures which have been worked out indicate that by the application of the Resolution to vegetarian and non-vegetarian diet the need-based wage of the Resolution approximates to the following figures at the five different place on average cost of living of 1957/58:—

	Vegetarian	Non-Vegetarian
Calcutta . . . . .	127	156
Nagpur, Kanpur . . . . .	105	129
Coimbatore . . . . .	106	131
Hyderabad, Ghatkesar . . . . .	114.35	139.33
Jamnagar on a percentage of Ahmedabad 122-145.	105	123

42. It therefore follows as a preliminary that as a basis of wage fixation we must proceed on the assumption that the lowest paid workman should not in any event get less than the above figures of need-based cost of living with a vegetarian diet in any of the places, unless the concern is able to show that owing to lack of capacity or any other relevant circumstances proved to the satisfaction of the wage fixing authority, the amount is too high for the concern to pay. Actually the capacity of this concern justifies a higher wage to the lowest paid. There is therefore no substance in the contentions of the concern regarding this Tripartite Resolution.

#### FINANCIAL CAPACITY

43. As regards the financial capacity of the concern, the company is a private limited company and has given its figures under a seal of confidence under Section 21 of the Industrial Disputes Act, and therefore I shall not be justified in disclosing the figures except where it is inevitable for the purposes of this adjudication. As I have said before, the business of this concern is to purchase tea at tea auctions at Calcutta and Cochin and to take the tea to its several factories, to blend and process the tea, to pack the tea into suitable packets or cartons, and to sell the tea in every district of India. It is very big organisation and carefully managed. The tea is blended and processed and packed in all the five factories and is then sent to the several depots which are in charge of a salesman and a vanman. The salesman goes on his pre-arranged rounds with the tea and thus the middleman is completely eliminated. The system has worked well. The principal cost of production is in the purchase of tea, and then comes other items of cost like labour charges, cost of the staff, charges of overheads, and all the miscellaneous items which are necessary for the purposes of a business of this magnitude. It is significant however that of the total cost of the ultimate product which is sold in the market the cost of labour comes to just 5 per cent.; and the gross profits for the last three years are equivalent to about 2½ per cent. of the cost of the product put up for sale. In the award on bonus for 1954-55 the Madras Industrial Tribunal gave some figures indicative of the profits of the concern. The profits of the succeeding two years have been higher notwithstanding a higher wage bill, and the company has paid a higher bonus. It is evident that this concern which was started in 1912, and which opened its factories starting with Calcutta in 1926, Coimbatore in 1930, Kanhan in 1942, Ghatkesar in 1947, Jamnagar in 1951, has had a very good career, has been well managed, deals with an article of daily consumption in the country, and has a well established future before it. Its capacity to pay a fair wage is undoubted. The company in the early years did not pay any dividends, but since 1943 it has started paying dividends at a pretty high level

and has continued to do so till today. There is no danger on the horizon to its continued prosperity. It has built up a very sizable reserve which it is now utilising as working capital; the stocks of tea which have to be held at any one time require an outlay of anything between 6 and 9 crores. The concern is quite capable of meeting the advances which I am giving by this award, and there are no circumstances which would justify the concern's paying less than a fair wage.

44. Emphasis has been laid by the concern on its claim that it is not a manufacturing concern but a trading concern, and that therefore it should not be required to pay its workmen the wages of an industrial concern. While it is true that no new product emanates from these factories in the same way as steel is produced from ore, the factories of this company nevertheless screen, process, blend and pack the tea, and in doing so present the tea to the public in a different and more acceptable form than the product originally purchased at the auctions. In the course of processing certain teas have to be pulverised so that they may be sold as powdered tea, and thus it cannot be said that there is no manufacturing process. By means of screening, bulking and processing, the tea undergoes a definite change for its ultimate market, and it cannot be said that this is merely a trading concern. But these discussions are academic, for the Tripartite Resolution makes no distinction between labour in manufacturing concerns and labour in trading concerns or labour in other factories, nor have Courts and Tribunals made any such distinctions, although of course the wages of the different categories of workmen in a concern must depend on their respective duties and responsibilities.

#### DIFFERENCES IN CLAIMS

45. My attention has been drawn to discrepancies between what is called the 'charter of demands' of labour and the statement of claim filed by the Federation and the demands now made by the representatives of the Federation in the course of arguments. In this connection I would again refer to the fact that the points in dispute had never been fully clarified for the simple reason that the stage of conciliation proceedings had not been reached and there was no occasion for amplification of the claims until after the Reference was made. It is obvious from the so-called 'character of demands' that labour was asking for reconsideration of the wage structure and conditions of service in respect of the points to which it was drawing attention. It is true that before the parties asked for a Reference to the National Tribunal there had been matters in dispute between the parties in certain regions which were the subject of conciliation proceedings, and in fact in Nagpur as well as in Calcutta there were adjudications pending, which of course have come to an end by reason of this omnibus Reference to the National Tribunal. The fact however remains that in respect of the claims which had been made by the Federation, and which by the desire of parties have been referred to this Tribunal, no stage was reached before Reference here when either party was required to clarify its position. Thus when the Reference came to this specifying what it wanted, and that they have done, may be not as fully or as completely as would have been desirable, but nevertheless with sufficiency of particulars so as to enable this Tribunal to proceed with the Reference. It is true that there are certain modified demands which are not to be found in the so-called charter of demands or in the order of Reference in the manner in which they have been raised; but it has to be remembered that when a change for the better in wages is sought, and maximum claims are indicated, the subject of wages up to the maximum gets opened up. I am conscious of the fact that this Tribunal cannot go beyond the terms of its Reference. Nor should it go beyond the statement of claim as made by the workmen. But in considering such a statement of claim a certain amount of latitude must be given to labour which is not accustomed to niceties of language. In actual fact I have confined myself within the limit of the Reference as well as within the limits of the statement of claim.

46. Some unsubstantial objections have been taken by the management. For instance they have contended that the question of uniforms for the subordinate staff is not an industrial dispute, when in fact it is a matter of intimate concern to the employees. It is also futile for them to say today that the fixing of the strength of employees is a managerial function when in fact almost every day courts and Tribunals are considering cases of retrenchment referred to adjudication. Then again the management claims that it has the complete right to fix the strength of the relieving hands as it likes, a managerial claim so completely out of line with modern concepts, then objection is taken on the issue where I am asked to consider the review of the standing orders; here again it

is said that I have no jurisdiction. It is true that under the existing provision of the Industrial Employment Standing Orders Act the parties may make an application for amendment of standing orders, but the question of standing orders undoubtedly can be the subject of an industrial dispute and has often been referred to Tribunals for adjudication.

### CLAIM NO. 1—PAY SCALES

47. The first claim of labour relates to the wage scales (and the fourth claim relates to dearness allowance). The Union claims the following pay scales for the Administrative staff, subordinate staff and the factories:—

The company shall introduce the following pay scales for the different categories of workmen:—

(a) Clerks, Typists and Salesmen . . .	Rs. 130—10—230—12—350—15—410.
(b) General Clerks, Cashiers & Godown Keepers & Comptists }	Rs. 150—10—250—15—340—20—440.
(c) Chief Clerks & Controllers . . .	Rs. 200—15—275—20—375—25—500.
(d) Stenographers . . .	Rs. 175—15—280—20—400—25—500.
(e) Vanmen, Peons, Godownmen and Sweepers Etc. . . . .	Rs. 60—5—150.
(f) Drivers . . . . .	Rs. 100—6—160—8—200—10—250.
(g) Carpenters, Electricians, tea Boys and Cooks	Rs. 75—5—100—6—130—8—170.

### FACTORIES

(a) Skilled workers Including Drivers . . .	Rs. 100—6—160—8—200—10—250.
(b) Semi-Skilled . . . . .	(i) Bag Operators, weight Checkers, box Assemblers, Printing Operators & Engine Attendants :— Rs. 80—4—120—5—145—6—175.
	(ii) Packers, Blenders, Bulklers, Cook and Malis etc :— Rs. 75—4—115—5—140—6—170.
(c) Unskilled Labour . . . . .	All ordinary labour : Rs. 60—4—100—5—150.

48. As regards the wages of all the employees, the company made certain improvements in wages in 1946, and the next revision was on 1st April 1956, but not for the workers of the factories. Up to this revision of 1st April 1956 there had been no scales in the company. At the time of the 1946 revision there was no attention given to adjustment or weightage, but in the revision of 1956 there was a weightage for past service given in accordance with the principles stated in the circular of the company. The weightages were substantial in relation to the years of service, but labour contends that one of the conditions in the scheme of weightage, namely, that "service means service in the cadre", has operated to the disadvantage of many of the employees, and that has prevented many persons who had risen to a higher grade in the same cadre from taking advantage of the weightages which were prescribed. I shall deal with this point later. A question has been raised and must be answered as to whether the revision of 1956 was sufficient at that time or is sufficient at present. Labour claims that the 1956 revision did not meet with their expectations and that they are now entitled to an upward revision.

49. I shall approach this question of remuneration separately for the two principal categories, namely, (a) the sales and administrative side including the head office and branches and (b) the factories.

#### SALES AND ADMINISTRATIVE SIDE

50. The sales and administrative side includes clerks, typists, stenographers, controllers, drivers, salesmen, vanmen and peons. They are paid on an all-India basis, and get the same scales wherever they may be, except for slight variations in the dearness allowance according to regions. Their dearness allowance scale is liberal. At head office, at Hide Road factory, and for the monthly rated employees of Calcutta branches North and South, whose official place of work or headquarters is in Calcutta or Howrah, the monthly rated get as dearness allowance 130% of basic on the first 100, and something less above. There is a flexibility given to the scheme of dearness allowance for meeting fluctuations in the cost of living according to price index. The monthly rated whose place of work is within Delhi, Bombay, Ahmedabad and Madras now get 136% of basic for the first 100, 68% for the next 100, and 34% on the balance with a slightly higher variation. As regards the monthly rated employees in Ghatkesar, Secunderabad and Bangalore it is also 126% of the basic on the first 100, 63% on the second 100 and 31% on the balance with similar variation. All other monthly rated employees get 116% on the first 100, 58% on the second 100, and 29% on the balance. The dearness allowance for Calcutta has remained the same as it was when this adjudication started but the rates of the others have slightly improved since then.

#### CLERICAL STAFF

51. Exhibit ABN shows the total emoluments of grade A clerks at the commencement of service, at 5 years, 10 years, 15 years and 20 years for the sales and administrative side. The lowest grade clerk starts at Rs. 173/- at Coimbatore, Kanhan and Jamnagar factories, at Rs. 181/- in Secunderabad, Ghatkesar factory, Bangalore, at Rs. 190/- and in Delhi, Bombay and Madras and at Rs. 195/- at head office in Calcutta, Hide Road factory, and Calcutta branches North and South. The dearness allowance figures of all except the Calcutta office have moved up a little. At the end of his career a lowest paid clerk gets Rs. 448/- at the cost of living index of 1958, and that is satisfactory.

52. A 'B' grade clerk starts at Rs. 264/- in the lowest region and gets Rs. 296/- in Calcutta. After 20 years of service he gets Rs. 507/- in the lowest region and Rs. 554/- in Calcutta. Here again the three lower regions have now very nearly reached, if not in fact exceeded, the Calcutta figure of Rs. 554/-.

53. As regards the grade 'C' clerk which is the highest, he gets Rs. 318/- in the lowest region and Rs. 353/- in Calcutta at the commencement, and he gets Rs. 589/- after 20 years of service in the lowest regions, and Rs. 638/- in Calcutta after 20 years. Here again the new rates of dearness allowance given to the three lower regions would bring the wages approximately to the wages in Calcutta, if not more.

54. In effect this means that so far as the Clerical cadre, including typists, is concerned the three grades commence round about Rs. 195/-, and after 20 years the clerk in the highest region in the highest category gets altogether Rs. 638/-, and the same clerk in a lower region gets something very near to it. If the dearness allowance goes down it means that the cost of living has simultaneously gone down.

55. Labour has contended that the salary of the clerks should be improved having regard to the need-based wage as postulated by the Tripartite Resolution and it has been pointed out that the minimum of the clerical should not be less than the wage of the unskilled plus 80%. The figure of 80% has been given *ad hoc* in the past at a time when the wage of the lowest paid was very low. Now that the wage of the lowest paid has to be need-based wherever the industry has the capacity to stand up to it, the differential between the workmen and the clerical cadre has necessarily narrowed. To what extent it should be narrowed is not susceptible of any mathematical accuracy; it will depend upon the circumstances of each unit or each industry. But it is evident that having regard to the concept of a need-based wage the differential of 80% is too high. This subject is however academical so far as the sales and administrative side are concerned, because the emoluments are already high even if labour's contentions are accepted.

56. I am not in favour of the amalgamation of grade A and grade B clerks as claimed by labour. The work of this concern is such that there are gradations of



duties and responsibilities amongst the clerks which have been or should be reflected in the three grades which have been given. Later in this award I shall give details of the whole clerical set up, which will illustrate the manner in which gradations have proceeded, may be not as appropriately as it might have been. There are 29 branches manned by control clerks and general clerks, and the company says that the general clerk is an experienced clerk whereas labour contends that the general clerk is a supervisor of control clerks; this system of general clerks and control clerks is peculiar to the branch offices. Labour suggests that control clerks should be in grade A, general clerks in grade B, and cashiers and chief clerks should be in grade C, and that in any event the general clerks should get a little more.

57. The set-up as regards the depots and the branches is shortly this: The depot receives tea under indent from the godowns, and always maintains a sufficient stock of tea for sale requirements. The staff at the depot consists of a salesman and a vanman. The salesman makes his rounds in the market to the different hot tea shops and dealers according to a pre-arranged programme given by the branch office. Every morning he takes his van with him, trundled by the vanman, and sells tea for cash. The cash proceeds of the tea are either deposited in the local Treasury or sent by money order every day to the head office. Every evening the salesman prepares a statement in a printed form of his day's sales of tea and of the remaining stocks with him, and gives such particulars as are necessary. That statement goes to the branch office; and it is the function of the control clerk to check the figures in the statement so sent by the salesman to see if the salesman has made any mistakes, to make sure that the salesman has observed the rules and regulations regarding his duties and has duly accounted for his day's work. Those sheets having been vetted by the control clerk are ultimately sent to the head office. The head office, as well as the branch office, take steps to see that the depots are adequately stocked with tea of the requisite kind. The general clerk, according to the concern, is not a supervisor of the control clerks in the performance of their duties, but nevertheless the fact remains that the general clerks are the more experienced clerks who generally participate in and facilitate the flow of work. It is true that decisions at the branch office level are taken by the Branch Manager or the Assistant Branch Manager, but nevertheless there seems to be a distinction between what may be called a routine clerk at the branch office and the general clerk with a little higher responsibility. The question therefore is whether a person who is appointed as general clerk should always be placed in grade B. I do not think that would be practical; but having regard to the gradations of the clerical cadre, I hold that the general clerk if he is in grade A should be given an allowance of Rs. 10/- per month.

58. As to the claim that there are not sufficient clerks in grade C, it may be that it is the function of the management to allocate the different categories of clerks to the different posts; there is however an overall supervision which a Tribunal must exercise to ensure that there are adequate chances of promotion to the higher grades; otherwise the higher grades would cease to have any meaning. At present the clerks are divided into grades A, B and C in the Head Office and Bangalore office as follows:—

A	:	B	:	C
135	:	17	:	6

59. As regards clerks in grade A there are 135 at the head office, 311 at the branches, 213 in the factories and there are three cashiers making in all 662. In the branches there are 28 general clerks, 22 cashiers, 195 control clerks, 27 invoice typist-cum-clerks and 39 godown keepers. The factories have:—

Hide Road	—	125
Coimbatore	—	29
Kanhan	—	24
Ghatkesar	—	17
Jamnagar	—	18

60. As regards grade B clerks there are 17 in the head office, 31 in the branches, 7 in the factories and one cashier in Hide Road making in all 56.

61. As regards clerks in grade C, the position has improved since this Reference began; at Head Office and Bangalore Headquarters there are 6 grade C clerks, in

the branches there is one grade C clerk and the following grade C clerks are now to be found in the factories:—

Hide Road	—	2
Coimbatore	—	3
Kanhan	—	1
Ghatkesar	—	1
Jamnagar	—	1

making in all 15

62. The main contest of labour is to the effect that there is a large concentration of clerks in grade A with the result that the chances of promotion to grade B and grade C are diminished, and an examination of the figures tends to support this conclusion, and directions are necessary to rectify the position. I therefore direct that not more than 75% of the clerical cadre shall be in A grade; the rest shall be in grades B and C but the proportion of clerks in grade C to the clerks in grade B shall not be less than 1 in 8. I have dealt with the case of the Stenographers separately.

63. As regards the head office clerks it is not possible to accede to the claim that all those working in the costing department and the ledger department should be placed in grade B; now that a higher percentage of clerks will be found in grade B, it will be open to the management to make suitable allocations for the costing and ledger clerks.

#### COMPTIST

64. The comptist has been given a scale of Rs. 9—320 with a spread of 25 years and it has been contended by labour that the start is low, and the scale is too long. This contention is to some extent well founded. Justice will be done by shortening the span of his scale to about 20 years, in which case it will be Rs. 90—10—150—12½—250—EB—14—320. As regards the comptists the company will have, to fix them into the new scale according to their present basic plus one increment for every three years of service with a ceiling of four increments.

#### SUBORDINATE STAFF OF HEAD OFFICE

65. They are well paid. They consist of Jamadars, Durwans, Sweepers, Drivers, Bearers, Peons, Tea Servers, Masalchis, Despatchers and Mazdoors, Cooks, sale room tea boy, carpenter and electric mistry. They all get wages well beyond the need-based wage and the spread of their scales is more than satisfactory. The sweeper after 14 years' service gets Rs. 76/- basic and 130% dearness allowance which according to 1958 cost of living index will mean a total emolument at the end of the scale after 14 years service of about Rs. 170/-. There are no grounds for any increase in these categories.

66. I therefore alter accordingly the present emoluments of the sales and administrative side as hereinbefore stated. No other changes are indicated or would be justified either on the basis of the Tripartite Resolution or on any other grounds.

#### STENOGRAPHERS

67. There are at present two grades of stenographers, one grade rising from Rs. 125/- to 275/- (grade I) and the other from Rs. 245/- to Rs. 395/- (grade II). They get the same dearness allowance as the clerks, and the earnings of grade I rise from Rs. 271/- at the commencement to Rs. 494/- after 20 years service, that is for the head office, and it comes to almost the same for the other regions. The grade II stenographer gets a total emolument rising from Rs. 454/- at the commencement to Rs. 650/- after 20 years service. These scales are quite satisfactory. But here again the question arises as to whether sufficient chances of promotion exist from one category to the other. At the head office and in Bangalore the number of stenographers in grade I is 6 and the number in grade II is 3. In the branches and in the rest there are 68 stenographers of which only one is in grade II. No doubt the management may allocate stenographers according to the needs of the situation, but at the same time it is the function of the Tribunal to ensure that there are sufficient chances of promotion to the higher grade, since the company has decided to have two grades, and the second grade should not be purely illusory. I therefore direct that stenographers in grade II should not be less than 12½% of the total number of stenographers. It may be argued that the company will have to place the higher paid stenographers in posts which do not require grade II

stenographers, but it must be appreciated that the difference in the two scales cannot be based on any other considerations except of seniority, reliability, and experience. It is thus inevitable that a Tribunal must apply its mind to see that a second scale given to a category is actually utilised for the purpose. A second scale is not intended to be a dummy just for the purpose of keeping the lower scale in check.

#### CONTROLLERS

68. The next category is that of Controllers who rise from somewhere about Rs. 299/- at the commencement to Rs. 529/- after 15 years service. Their scale is Rs. 142-8-166-EB-10-216-EB-12-300, and thereafter according to the discretion of the concern. Labour in its claims has asked that the scale should be Rs. 200-500, which they have also asked for the Chief clerks. The controllers are the supervisors of the salesmen. While the salesmen get a scale of Rs. 70-4-160, actually their emoluments together with their commission and perquisites come to the wage of a clerk of the A grade and might go beyond it. A clerk of the B grade has a scale of Rs. 140-320; and as the controllers are supervisors the scale which they have at present is to my mind low. I would give to the controllers a scale of Rs. 175-350 (15 years scale-one E.B.) Rs. 175-10-275-EB-15-350, and as and by way of fixation into the new scales each of them shall receive an increase of Rs. 30/-, but not so as to exceed the maximum of the scale.

#### EFFICIENCY BARS OF CLERKS AND STENOGRAPHERS

69. As regards the clerks, stenographers and salesmen there is no reason why they should have two efficiency bars. One is quite sufficient for all the scales and that should be round about the 12th year of service.

#### DRIVERS

70. As regards the drivers their scale is from Rs. 65/- to Rs. 174/- and with their dearness allowance they get Rs. 149/- at the start and Rs. 392/- after 20 years service, and possibly a little less in the cheaper regions. Their salary is quite adequate.

#### PEONS

71. As regards the peons, they have a good scale of Rs. 35/- to Rs. 86/- and a good dearness allowance. They get at the commencement Rs. 98/- and after 20 years service Rs. 184/- and a little less in some of the lower regions. It is true that according to the need-based formula his emoluments at the start are a little low, but it has to be appreciated that at the end of the scale he has a very good earning for his category. I take the view however that the spread of the scale of 22 years is a little long and should be reduced to 20 years in which case the scale will run as follows:—Rs. 39-2-65-3-86.

#### SALESMEN

72. I shall now take the salesmen and then the vanman. The salesman is in charge of a depot and he and the vanman constitute the staff of the depot. A salesman's functions are to go out into his area day after day according to a tight schedule settled by the Branch office, and sell Brooke Bond's tea to dealers, hot tea shops, and to other quarters wherever there may be possibilities of sale. The company realised at a very early stage of its business that there had to be incentives to stir the salesmen to proper effort, and they have accordingly introduced a system of remuneration which consists of the following: Basic wage, dearness allowance, commission on sales, permission to keep empty cases and an all-India incentive of Rs. 10/-. The wage period of the salesman is four weeks so as to keep pace with certain weekly system of accounts. It has been said that the total emoluments of the salesmen from the start to the end are higher than those of grade A clerks whose scale is Rs. 85/- to Rs. 240/- with a high rate of dearness allowance, as already stated when I was dealing with the emoluments of clerks. On examination I find however that the position is not capable of such simplification. The salesman is an important link in the organisation of this company, and I appreciate that nothing should be done which would in any way diminish the incentive factor of his emoluments. Subject to this general consideration, the emoluments of the salesman will have to be examined, for it is said that he is not getting his just dues. When an application is made for appointment as a salesman the company interviews the candidate, and if satisfied gives him a course of training as to the duties and responsibilities of a salesman. After a period of such training he is appointed as a relief salesman, and he would be a relief salesman normally for 3 or 4 years before he is made a permanent salesman to fill a vacancy.

He is called a relief salesman at the commencement because he relieves the permanent salesman who go on leave or are taken ill or are unable for other reasons to do their work; and the relief salesmen accordingly have a somewhat roving existence generally within the region of their branch office. The relief salesman starts on the same scale as the salesman which is Rs. 70—4—160, and that is about 2/3rd of the scale of the lowest grade clerk, who gets a scale of Rs. 85—240. While the dearness allowance of the clerks (at cost of living index in 1958) at the commencement comes to about Rs. 99/-, the salesmen have been given a scale of dearness allowance which is much lower and which bring them just half that dearness allowance; so that whether it is a relief salesman or a permanent salesman he gets about 2/3rd of the scale of the lowest grade clerk, and only half the rate of dearness allowance which the same clerk gets. The company says that while it is true that the salesman gets about 2/3rd of the basic wages of the lowest paid clerk and 1/2 the rate of his dearness allowance, the rest is made up of commission which the salesman earns, as also an all-India incentive of Rs. 10/-, and the empty boxes which the salesman are at liberty to appropriate to themselves and sell as they wish; it may be mentioned here that sometimes for convenience the company wants the boxes to be returned, in which case the salesman has been given a price ranging from Re. 1/- to Rs. 1/4/- per box.

73. I shall first deal with the case of the permanent salesmen. As regards the commission which is being earned, annexure B to Shri Sastry's affidavit has given a table showing the number of depots in different sales groups as on 22nd November 1958. Its study is interesting. The total number of depots may be taken as 1867 with slight variations, and this statement shows the quantity of tea sold at the several depots per four weeks. I refrain from giving particulars here because these are matters of a confidential character. But there are no depots at which less than 600 lbs of tea are sold every four weeks; and there are depots which sell over 10,000 lbs. per four weeks. It is observed that the largest number of depots are to be found in the category selling between 2000 lbs. and 6000 lbs. of tea every four weeks and yielding anything between Rs. 47/6/4 and Rs. 86/7/- as commission for the salesman. There is thus no doubt that a salesman does supplement his basic wages and dearness allowance by a substantial addition of commission. There is also no doubt that he can get more than Rs. 80/- per 4 weeks by way of sale of empty cases or on an average of about Rs. 67/-. We must however beware of too great reliance on any system of averages in these matters of commission or sales of boxes in relation to total emoluments. Salesmen work not only in large cities like Bombay but also in smaller cities, district headquarters, taluka headquarters, and villages; and a salesman in a remote corner may have to work very hard and may at the end of it earn small commission and he may get practically nothing from the empty cases, which would be surplus in remote areas; and I have been told by the management that it is not necessarily the junior salesmen who are posted in the lower selling areas. While I have no desire to interfere with the general scheme of salesmen's earnings or to dilute the incentives, at the same time I feel that something should be done to place the salesmen on a more equitable basis. Their basic is low and so is their dearness allowance with the result that they suffer not only by way of provident fund contributions of the concern but also in the matter of their gratuity, and in fact in all matters in which basic or dearness allowance or both are applied as norms of calculation. There is also no reason why this all-India incentive of Rs. 10/- should remain outside the wage structure, as it has taken the shape of a firm advance on wages.

74. It has been shown to me that according to the calculations of the concern a salesman at 5 years would get Rs. 277/- against Rs. 240/- of the lowest paid clerk. At 10 years it would be Rs. 349/- as against Rs. 303/-, at 15 years it would be Rs. 391/- as against Rs. 366/- and at the end of 20 years it would be Rs. 452/- against Rs. 426/-. These figures would no doubt tell a tale but for the fact that averages have been utilised for arriving at these figures and they cannot solve the question of individual emoluments, specially as in their case where both commission and value of boxes can and do vary so largely from individual to individual. Some salesmen may be so well placed as to be able to earn Rs. 100/- as commission whereas others may not be able to earn more than Rs. 35/- in every four weeks; some may be able to sell boxes worth Rs. 80/- and some may not get any market for empty boxes. I appreciate that in a big concern like this there are bound to be differences, and some may be better placed than others. Such differences are inevitable and the salesman must be prepared for it. But that does not mean that I should not endeavour to place these matters on a more rational basis and narrow unjustifiable differences. In my opinion much of the disparity would be removed if the emoluments consisting

of basic dearness allowance, and commission were appropriately amalgamated for purposes of calculation of provident fund and other benefits. I do not suggest that the whole of the commission should be added to the basic and dearness allowance so as to constitute the four weekly earnings because it might in certain cases inflate the salesman's emoluments beyond all reasonable bounds. But on a careful assessment of the position I direct that the commission earned by the salesman should be applied in augmentation of his basic and dearness allowance, one half of his commission shall be tacked on to his basic and the other half to the dearness allowance, so that the basic and the dearness allowance so calculated shall be regarded as the basic and the dearness allowance for provident fund contributions, gratuity, and retirement benefits and bonus (when applicable) only provided nevertheless that neither this basic nor this dearness allowance of the salesman shall exceed the basic wage or the dearness allowance of a grade 'A' clerk of similar length of service. And in calculating such service the salesman's service shall be deemed to start from the date of his appointment as Relief Salesman provided of course that he has proceeded straight from a Relief Salesman to a salesman. It may be added that the salesman during annual leave gets average commission.

75 The all India incentive of Rs 10/- is being paid to the salesmen as a matter of course from April 1956, and the amount has become a regular feature of the pay. I therefore direct that this sum of Rs 10/- shall be an addition to the basic wage and the scale will run as follows —Rs 80—170 Rs 80—4—120—5—170

76 As regards dearness allowance there is no reason why the rate of dearness allowance of the salesmen should be half the rate of the dearness allowance of the clerks even the maximum of the scale of the salesmen is 2/3rds of the scale given to grade 'A' clerks. I would therefore increase the rate of dearness allowance of the salesmen to 2/3rds of the rate of dearness allowance of grade 'A' clerks.

77 Thus by the scheme which I am giving the basic of the salesman and Relief salesman will be raised by Rs 10/-, being the so called all-India incentive and the rate of dearness allowance will be 2/3rds of the rate given to grade 'A' clerks instead of half as at present of the commission earned by the salesman, to which of course he will be entitled in full as part of his emoluments half shall be added to the basic and half shall be added to the dearness allowance so as to create a basic wage and dearness allowance for the purposes of provident fund contribution, gratuity, bonus (when applicable) and retrenchment relief provided that neither the basic nor the dearness allowance figure so created will exceed the basic or the dearness allowance of grade 'A' clerk of similar years of service.

78 I do not propose to do anything about the empty cases because it is really a perquisite which some enjoy in a greater degree than others according to their chances. Any effort to equalise the perquisite value of these boxes must necessarily fail and to work on this subject by averages is futile having regard to the uncertain features of the problem.

79 I may add on this issue of salesmen that the salesmen have chances of promotion to be controllers, Assistant Branch Managers and Branch Managers, and even to rise to the highest post in the concern as indeed has happened in the case of the present Chairman who was at one time a salesman of the company. From what I have seen of the concern's activities there is no doubt that they exercise a strict supervision over the work of the salesmen, while at the same time they make every effort to bring the best out of a man and do not stand in the way of his promotion.

80 Labour has asked for special relief for salesmen whose commission is affected when the concern rearranges an area. It does happen that owing to either the efficiency of a salesman or the improvement of an area the sales of tea rise to a point where the salesman becomes overburdened by his duties. The company then decides to take away a slice of his beat and amalgamates it with some adjoining area. The nett result is diminution in the commission of the salesman. It is true that in such cases the concern compensates the salesman for the loss of commission for a period of three to nine four weekly periods. But I agree that the compensation should extend over a longer period, and I direct that the compensation equivalent to the difference between the average of the previous six months and the commission earned monthly after the split shall be paid for fifteen four weekly periods provided that as at present the company is satisfied that the salesman is endeavouring to do his best.

## RELIEF SALESMEN

81 The relief salesman get the same scale as the permanent salesman which by this award will be Rs 80—170 with a spread of 20 years. He will now get dearness allowance at a rate which will be 2/3rds of the rate of a grade 'A' clerk. His all India incentive of Rs 10/ has likewise already found a place in the basic. He gets a special allowance of Rs 18/- if he is unmarried and Rs 25/- if he is married, and he is given an allowance of Rs 3/ per day or Rs 84/ for every period of four weeks but this is not payable while he is in his home town or on leave. He does not get any commission but he gets the empty cases. Usually he relieves salesmen who go on leave for a period of two or three weeks but his assignments can be shorter. It has been urged by labour that I should not take into account in wage fixation the sum of Rs 3/- a day which is paid to him when he is out of his home town, as they contend that it is an allowance given to him because of his being constantly on the move and because he incurs extra expenses thereby. The concern however says that it is a part of his emoluments. This sum of Rs 84/- for a period of four weeks cannot be regarded as part of his wages because he is given this allowance only while he is on work outside his home town. It is evidently intended to compensate him for the difficulties and expenses of constant changes in location. If this sum of Rs 84/- for four weeks were to be regarded as part of his emoluments he would be getting in fact more by way of wages than the permanent salesman himself, and that obviously could not be intention of the employers. I must therefore hold that this sum of Rs 84/- is by way of an allowance intended to shore up the wage structure so as to provide for certain disadvantages inherent in a relief salesman's work. While it may be conceded that the relief salesman at the commencement of his career cannot expect all the conditions of service of a permanent salesman (even though in the ordinary course he must receive promotion to the salesman's post within 4 years or so) he should receive reasonable emoluments for the work that he does during the period of his preparation for the work of a salesman.

82 While I am giving to the relief salesman the same wage scale and the same advance in dearness allowance as for the permanent salesman, I am not inclined to raise the allowance of Rs 18/- or Rs 25/- which he is receiving at present. In the case of these relief salesmen I have to be careful to see that the emoluments do not become so agreeable that a failure of incentives follows, the relief salesman must strive to become a permanent salesman. The daily allowance is a considerable amount, and the advance which I am giving to relief salesmen are adequate to achieve the purpose one has in mind in the fixation of their wages. It is the function of the relief salesman to better himself and to better his prospects by becoming a permanent salesman in which capacity he could earn commission according to his effort and his work.

## VANMEN

83 Now we come to the vanmen. He has to do the work of mazdoors in the depot, help in receiving the boxes of tea, and he has to attend to the packing of the boxes according to certain requirements. Every day he has to fill his van with tea under the instructions of the salesman and normally the van is loaded with about 250 lbs of tea. He trundles the van wherever the salesman goes, and tea from the van is sold to the hot tea shops or dealers. According to the evidence the vanman is continuously on duty, except for a brief period for his mid day meal, when he generally locks up his van at some suitable spot on the road. He would probably cover not less than five to seven miles a day in some places on uneven roads and also up inclines. The vanman has been given the same scale as the peons but the vanman undoubtedly has a heavier duty to perform. Along with dearness allowance he gets at the commencement Rs 98/- in Calcutta Rs 93/ in Bombay (now more) etc Rs 38/- in Hyderabad etc, and Rs 83/ elsewhere and after 20 years service he gets Rs 184/- Rs 180/- Rs 171/- and Rs 163/-. His emoluments after 20 years service are high for this category. But at the commencement his wage needs stepping up. I would therefore alter his scale to Rs 45—2—55—3—70—4—86. No other relief is indicated.

## FATORIES

## HIDE ROAD FACTORY- CALCUTTA

84 At Hide Road factory the workers are divided into monthly rated, daily rated and piece rated, and I shall now deal with their wages. The monthly

rated consist of mistries who have a scale of Rs. 96—194. At start they get a basic of Rs. 96 a dearness allowance of Rs. 124-12-0 and a sum of Rs. 6 in lieu of food concession, altogether Rs. 226-12-0, and at the maximum they get Rs. 391. These are the monthly rated mistries who have continued as monthly rated from the past; further recruitment to this monthly rated category has stopped from 1949, and the engineering staff after that date are daily rated. The old monthly rated mistries have acquired skill and experience, and some of them are working on the production of new machines. There is no claim that their emoluments should be increased. It is however said that those mistries of the engineering cadre who were appointed after 1949 were inducted into the company on daily rates of pay, and it is the complaint of labour that these daily rated engineering workers are in receipt of emoluments which are very much lower than the emoluments of the monthly rated mistries although they do the same kind of work.

85. When in 1949 the system of monthly rated mistries was discontinued, those who had already been appointed as such were continued on their then existing terms and will slowly vanish from the scene. As to the change over from the monthly rated to the daily rated the company has submitted certain facts. It is stated that when the factory opened in Hide Road in 1926 most of the packing and bag making was done by hand and there were very few machines. After 1946 bag making machines which were operating in the head office were shifted to Hide Road factory and further consignment of machinery arrived in 1947. It was found that the monthly rated mistries were not properly attending to the maintenance of these machines and it was decided in 1948 that the strength of the maintenance staff should be increased as they were also expecting more packing machines which were under order. Recruitment of these fitters commenced from 1948 and 18 fitters were appointed between 1948 and 1950 on daily rates of pay. It had been decided that the daily rated pay system was more suitable as the monthly rated mistries were unwilling to work for the full day on repairs and maintenance during the days that the factory was closed. The monthly rated drew a full day's wage irrespective of the fact that they refused to work after 2 p.m. on holidays, even though they knew that proper maintenance could be carried out only when the factory was closed. It is said by the management that the skill and efficiency of the workers who were appointed after 1948 cannot be equated to the skill and experience of the monthly rated mistries, and therefore their emoluments should compare not with the emoluments of the monthly rated mistries who are disappearing but with comparable categories in other industries in the area. The company asserts that in order to improve the wages of the daily rated fitters and the other several mistries on daily rates the company offered a scheme of converting these wages into hourly rates of pay, but labour was not agreeable. The company contends that the monthly rated mistries owing to their long service were drawing good wages when the 1956 scales were introduced, and therefore the scales had to be high so as to accommodate their adjusted wages; at that time weightages also were applied in fixation, and therefore it is contended that their wages are unduly high for purposes of comparison.

86. The fact remains that there is this monthly cadre of engineering mistries who have been on monthly scales. They have a basic of Rs. 96 rising to Rs. 194 and they have a very high dearness allowance at present amounting to Rs. 124-12 which gives them a total emolument of Rs. 220-12 at the commencement. The item of Rs. 6 food concession is payable only to persons who were employed at a particular time; most of them get it. While the total earnings of these monthly rated mistries would be Rs. 226-12 at the commencement and Rs. 391 at the maximum, the daily rated mistries including electricians grade A and selection grade get at the commencement Rs. 137 and at the maximum Rs. 176. There is thus a considerable divergence between the monthly rated and those who have entered that category as daily rated, even assuming some difference in skill and experience. It must be remembered that the engineering cadre recruited after 1949 is doing the same work which the monthly rated had been doing; it may be that the monthly rated are doing something more important today which in due course the present daily rated might later become qualified to do.

87. It is not sufficient that we should fix the emoluments only by reference to the emoluments of comparable categories in the region. Ever since the concept of a need-based wage has come into existence as propounded by the Tripartite Resolution, it has had a material impact upon wage formation. Here the general mazdoor, weight checker, canteen worker, tailor, gets a scale rising from Rs. 45 to Rs. 91 and dearness allowance Rs. 53, and the food concession of Rs. 6. He gets a total of Rs. 104 at the commencement and Rs. 150 as maximum. The sweeper is getting Rs. 35 rising to Rs. 77 and his emoluments are Rs. 104 at the

commencement and Rs. 185 at the maximum. It is certainly a good pay and there is no reason to interfere with it (except as hereinafter stated), and it has a historical background. But the conversion of the monthly rated scheme to the daily rated presupposes some fair emoluments for those recruited after 1948, taking into account *inter alia* what the monthly rated were receiving and also taking into account similarity of work and regional considerations, and the emoluments of other workers in the concern. If the mazdoor gets 150 as basic plus dearness allowance as maximum today, there must be an appropriate differential for the engineering personnel.

88. We first come to fitters including electricians grade A, and the selection grade. This is the highest-paid among the daily rated engineering staff. They start at Rs. 137 and end at Rs. 176. Considering that the mazdoor's maximum today is Rs. 150, the maximum for this grade of fitters at Rs. 176 is low. The unskilled, semi-skilled and the skilled engineering all belong to one cadre, but there are considerable differences both as to knowledge and experience between them, and these differences must be reflected in their wages. I would therefore increase their scale from Rs. 3 per day to Rs. 4 per day with annual increments as at present rising to Rs. 6 per day in the place of the present Rs. 4.50 per day, and to Rs. 7-8 a day for the selection grade. This will mean that at the commencement this group of fitters along with electricians grade A and selection grade will receive a total emoluments of Rs. 163 in the place of Rs. 137 as at present and as against 226 odd of the monthly paid of the same category. At the maximum the selection grade will receive at the rate of Rs. 7-8 a day plus dearness allowance and Rs. 6 food concession.

89. The turners and the machinists come next in the order of pay. They get a scale ranging from Rs. 3 to Rs. 3.50 per day which means Rs. 78 basic, plus Rs. 53 dearness allowance plus Rs. 6 food concession. Rs. 137 at the start, and Rs. 91 basic, Rs. 53 dearness allowance and Rs. 6 food concession, which means Rs. 160 at the maximum. In my opinion the turner's wage should be Rs. 3.50 per day rising by present rate of increments to a maximum of Rs. 5 a day. This means a minimum of Rs. 91 basic and Rs. 53 dearness allowance and Rs. 6 food concession totalling Rs. 150, ending up with Rs. 189.

90. In the next group are the fitters, electricians welders, in smiths and black-smiths, and they are getting at present Rs. 2.50 rising to Rs. 3 per day. I would increase their scale to Rs. 3 rising to Rs. 4 which means that they will receive at the commencement Rs. 124 and at the end Rs. 163.

91. The weight checker has been recognised in Kanhan as a little different to the mazdoor, and for that reason he is entitled to a slightly higher emolument than the mazdoor. I would give him a scale of Rs. 2 per day rising to Rs. 4 per day.

92. It is of course understood that those who are not entitled to the food concession will not get it. The increments will remain as at present.

93. The wages of these daily rated engineering categories of Hide Road are thus substantially advanced and their grievances have been met to the extent that it was justified. There have been complaints that these daily rated as well as monthly rated engineering personnel have not been pulling their weight; that situation must cease, and they must work diligently and also overtime and on holidays whenever required; otherwise they will be in danger of disciplinary action. Payment for overtime will be by the hour at usual rates.

94. The labour position of the factory in Hide Road is as follows:—

There are in the engineering department 37 fitters and 16 daily rated engineering general workers. The mazdoors for general work consist of despatch 3, box 7, bag 38, stores 2, canteen 19, scrap salvage 8, tailoring 5.

95. The piece-rated workers in Hide Road factory are 703 divided as follows:—

Export	..	119	
Despatch	..	12	
Box	..	124	
Blending	..	28	
Packing	..	317	
Bag	..	96	
Engineering	..	7	(mistry trainees drawing individual average pay)
		703	



96. I must now consider the case of (a) the piece-rated workers of Hide Road factory consisting of packers, box assemblers, blenders and bulkers, printers and bag makers, (b) and the subordinate staff monthly paid.

97. It is evident that the monthly rated subordinate staff have always had and still have a high wage. I have already mentioned that the sweepers for instance have a very good scale and dearness allowance, and so have the Jamadars, Durwans, Peons, Bearers and all the subordinate monthly paid staff. The drivers for instance have a scale of Rs. 65 to Rs. 174 and their earnings in Calcutta at the commencement are Rs. 150 rising to Rs. 352.25 after 20 years, and in the lowest region it rises from Rs. 132.60 to Rs. 313.68. Thus the monthly rated subordinate staff do not require attention except in some categories to which labour has referred. I shall deal with them now.

98. It is contended by labour that tailors are skilled and that they should therefore get the monthly rate of the engineering workers, that the machine operators also are skilled and should be paid accordingly. As I have said before the emoluments of the mazdoors are quite satisfactory. But it is obvious that there must be some difference between the work of a mazdoor and the work of a tailor, who stitches the uniforms of the staff; no doubt the work is to some extent stereotyped, but the tailor does a more specialised job and should be paid more than the mazdoor. I would therefore fix for the tailor the same emoluments given to the welder, tin smith and blacksmith etc. That is a scale from Rs. 2.50 to Rs. 4 with same increments.

99. As regards the machine operators, it is claimed that they are also of the skilled category. I am unable to accept this claim made by labour on their behalf. The operation of these machines involves no more skill than, say, the operations of a textile operative on a spinning machine. The machines in the packing department, wherever packing is done by machines, are compact units, no doubt complex having regard to the automatic work that they have to do, but the attention that the workers are required to give to the machines is of the minimum. It is simple work; for instance the number of workmen on the kora pice packet machines were originally six in a gang; an award in 1953 made it 5; but the workmen have agreed that four can work the machine and divide the production earnings of the fifth; at present only 9 men continue to work in 5 men teams out of approximately 150. And there is a good deal of truth in the contention of the employers that it is difficult to understand what the fourth man has to do. I have closely watched the operation of this pice packet machine and except for the stitcher who operates the Singer Sewing Machine to stitch the closing end of the small paper packets, the others have very little to do. Their main function is to take the empty flat packets which are in stacks and put them into that portion of the machine intended to receive them, and to case off obstructions to the working of the machine, for example by removing packets which have become torn or stuck in the machine. In actual fact, if a paper bag gets torn or is caught or is unable to pass through freely, and this happens only seldom, the workmen easily removes the obstruction. It is true that the person who operates the Singer Machine has a full job, and the worker who collects the packets and makes them into packages is also well occupied; but all the members of the team are rotated, with the result that there is a certain amount of equality of work not requiring any special dexterity. It was contended that there is no rotation in the stitching, but that is not correct; if it were so some claim would surely have been made for an allowance for the stitcher. As regards the Hasser machine too the operation is simple, just a question of feeding it with flats and papers and end labels. There is no stitcher in the process.

#### PIECE-RATE WORKERS OF HIDE ROAD FACTORY

100. Having dealt with the daily rated, I shall now deal with the Piece-rate workers of Hide Road Factory.

101. I shall first take the packing department employees. The benches are manned by different gangs of workers which range from 10 for red and green cartons to 3 on a machine packed 2 oz. plough. The rates vary, and whereas the average earnings per day excluding dearness allowance of the men engaged on red and green cartons 1 lb. is about Rs. 8, there are other lines on which the earnings per man per day are lower. It is the contention of the workers that it should be possible for a packer to earn on an average Rs. 8 per day excluding d.a. The employers have stated the reasons for the disparity between the earnings of Rs. 8 on certain benches and Rs. 5 in others, as also other differing rates, and they maintain that the rate of Rs. 8 cannot be regarded as a fair daily wage, and is in fact the consequence of certain rationalisation effected in the factory. In

the four packing for which Rs. 8 is or could be earned to day, the previous system was of hand packing which brought to the workers a substantial wage. At that time the materials for packing were not of the required quality as they could not be procured. But when better materials, laminated foil and better labels and gum were available, the production went up, although the piece rates had been fixed on the previous difficult conditions of work. The rates were however, not reduced when easier packing was possible. The company felt that for the purposes of production it was desirable to allow the workers the benefits arising from better materials and improvements in packing, and hence these higher earnings of four categories, namely red and green cartons, 1 lb., red and green cartons, 1 lb., red and green cartons, 1/2 lb. roses 1 lb. and roses 1 lb. and roses 1/2 lb. Therefore on these lines although the company paid the same rates as previously, it was getting double production per day, and that from the point of view of the company was satisfactory in itself, apart from giving the workmen the fruits of rationalisation.

102. There are two lines, namely, plough 2 oz. hand packed, and A1 dust 1/4 lb. hand packed, where the total earnings came to Rs. 147/62 as against Rs. 260 on the red and green cartons 1 lb. But these two lines have now been converted to mechanical packing. Then there is Kora 1/4 lb. where the earnings here have been Rs. 162. It had been pointed out that the production is low because in Hide Road they are giving only 62 cases per bench per day as against 74 in Jamnagar and 89 in Coimbatore. Kora 2 oz. hand packed which also used to bring an average of Rs. 162 has now been discontinued. It will thus be seen that apart from the four lines in which the earnings are or were Rs. 8 a day the rest of the earnings are between Rs. 5.4 per day, and Rs. 4.97 per day, excluding d.a. At the present time Rs. 8 is earned only on the red and green cartons hand packed; all other lines which had been giving Rs. 8 are now machine packed, but the individuals earning Rs. 8 continue to get it.

103. The scheme of dearness allowance to these piece-rated workers was at a flat rate in the early stages, and at the present time it is allied to the working class cost of living index of West Bengal with a minimum of Rs. 45. There is no record of any rise in the piece-rates in this factory. It cannot be said that the total emoluments workers here are at present receiving are low; for the work which they do. There is no doubt that the earnings of these piece rates are equal to and even higher than of comparable earners in the region, and they will continue to be higher than the earnings of the other four factories of the company. From 1st November, 1957 their dearness allowance has been increased from a flat rate of Rs. 45 to a sliding scale rising from Rs. 45 which brings them about Rs. 6 extra.

104. For all daily rated workers and piece-rated workers of Hide Road Factory the dearness allowance is linked to the West Bengal working class cost of living index of Calcutta with base year 1939=100, calculated on the three monthly average of the working class cost of living index at Calcutta preceding the quarter to which the D.A. relates. The present rate of D.A. up to the period ending 30th September, 1958 based on the prevailing 10 points index bloc 401-410 is Rs. 55 per month. As regards flexibility, whenever the quarterly average index figure moves into a different 10 point block, upward or downward, the variation in dearness allowance will be Rs. 2 per month for every rise or fall in the 10 point index block. This scheme of D.A. was given in November 1957 by the company and previous to that there was in 1953 an award of the West Bengal Industrial Tribunal which gave a flat rate of Rs. 45 per month.

105. A complaint has been made that cooks of the officers' mess are monthly rated but the cooks of the canteen are daily rated. But the office man is cook-cum-bearer.

106. Another complaint is that canteen boys at the head office are generally monthly rated, whereas in the factory canteen they are kept as general mazdoors. I have already indicated that the wages which the general mazdoor gets are more than adequate. It may be that some of the canteen boys have continued to be monthly rated from the past, but that position is no longer tenable. The comparable category to the canteen boy in the head office would be the bearer or the tea servants who have been given a scale of Rs. 35 to Rs. 86 with 130 per cent. D.A. with a minimum of Rs. 63. There is therefore no substantial ground for complaint. The monthly paid in the head office start a little lower but end up a little higher, and thus the position is more or less equalised.

107. As regards the printing personnel and lining cutter workers, their average emoluments are about Rs. 250 a month which I consider to be adequate for the work which they do. Some of these printing personnel have been from very

early stages monthly paid but the subsequent ones are piece-rated. The monthly paid at first were giving lesser production but now give more or less the same production as the piece-rated, and they all earn a satisfactory wage which I would not be justified in increasing.

108. The next category to be considered are the bag-makers who are on piece-rates. Their emoluments in two of the lines are between Rs. 177 and Rs. 185 and in certain others a little less. But it appears to be the case that the lower emoluments are due to insufficient application to that work. The Kora pice packet bag-makers have boosted up production and now earn Rs. 286 and Rs. 239, and the production in the lines which at present earn Rs. 160 to Rs. 170 is lower than the production on similar lines in one or other of the four factories. I consider that the piece-rates for this category is fair and I do not think that any change is indicated.

109. Bulking and blending and box-making are all piece-rated and the earnings are all pooled. Bulking and blending form one department and box-making another department. The system of piece-rates is individual piece-rates for individual jobs in these departments, and the entire department shares the money. Jobs in these departments which cannot be assessed to piece-rate are paid at time rate of 6 annas per hour which also goes into the pool. In bulking, if the earnings in the pool fall below Rs. 3-12-0 the balance is made up by the concern. The average earnings in the box department is Rs. 6 per man per day excluding dearness allowance and Rs. 6 food concession which is quite satisfactory. In the bulking department, including processing, each man gets on an average Rs. 9 excluding dearness allowance and food concession. At the time that the affidavits were filed the earnings of these persons were on an average Rs. 5-41, but I was told during address that it was Rs. 9 consistently for the last four or five months. The persons who receive these emoluments are heavy manual workers, and the higher wages are due to improvements in the processing; processing machines used to be separate before, but they have now been amalgamated into one battery, with the result that double production is obtained while there is no change in the piece-rates. Hence the rise from Rs. 5-41 to 9 per day. In the work of blending the average earnings are Rs. 5-66 per day which with dearness allowance gives an average monthly wage of Rs. 210 to these manual workers.

110. *Box-making.*—Box-making is paid for by piece-rates for particular jobs and all the piece-rate earnings are pooled. There are of course some non-productive workers on time rate of 6 annas per hour and their earnings also go into the pool. There are two separate pools in box-making, the mistry gang and the cooly gang. Both the gangs have been getting average monthly earnings of Rs. 191 which at the stage of address I was told had risen to Rs. 210.

111. Save and except the changes above indicated no other changes are made in respect of the Hide Road factory.

#### WAGES AND INCENTIVE SCHEMES IN THE FOUR FACTORIES OF COIMBATORE, KANHAN, GHATKESAR AND JAMNAGAR

112. I shall now proceed to an examination of the wages in the four factories of Coimbatore, Kanhan, Ghatkesar and Jamnagar. Coimbatore was the earliest of the mofussil factories of Brooke Bonds and started production in 1928 and is at present further engaged in the packing of coffee in addition to tea. The other three factories are concerned with the packing of tea only.

113. I have said previously that I must honour the Tripartite Resolution of the 15th Indian Labour Conference on the subject of fair wages where it has been stipulated that the minimum of a fair wage should be a need based wage according to the formula given in that resolution. The office of the Central Wage Board for the Cotton Textile Industry has worked out the figures of such minimum fair wage according to the formula given in the Resolution, and has given the following figures as being the cost of a need based wage with balanced vegetarian diet in terms of the formula—

Coimbatore	108
Ghatkesar	114
Nagpur	105
Jamnagar	105

114. Apart from a certain section of the engineering staff and the whole of the subordinate staff in each of the factories, the rest of the staff is hourly

rated. As a general pattern the hourly rated have been given a scale of basic pay, and a dearness allowance linked to the working class cost of living index of the area. Flexibility of dearness allowance is provided by certain automatic adjustments to the ups and downs of the price index. For certain operations in the factory there are the usual mazdoors. But there are also categories which attend to printing and box making, packing of tea, and the several other procedures involved in preparing the tea for the market.

115. The packers are in a class by themselves. It is their function to pack tea into the appropriate packings or packets. There are several lines of packing; some are machine packed, others are hand packed, and the company naturally expects a certain degree of production and a fair return for its wage. In addition to the scales of basic wage and the dearness allowance, all the four factories have been given incentive schemes. The incentive scheme becomes operative as soon as a certain production has been reached which the company calls the target, and beyond that the incentives are allied to a rise in production.

116. The following table will indicate the basic scales and the amount of dearness allowance which the four factories are paying, together with the average incentives which workmen have been earning:

	Coimbatore		Kanhana		Ghatkesar		Jamnagar	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Basic.	50	86	30	60	32	56	31	56
Dearness Allowance	46	46	50	51	42	12	39	39
Incentive	24	24	—	—	12	12	14	14
Total	120	156	80	111	86	110	84	109

117. The dearness allowance at Coimbatore is linked to the working class cost of living of Coimbatore. The dearness allowance at Kanhana is the same as is given to the textile workers of Nagpur. The dearness allowance of Ghatkesar is linked to the cost of living index of Hyderabad. Jamnagar has no cost of living index to which it could be allied and therefore there is a flat rate of 18.75 nP. per hour. But this is unsatisfactory. Kanhana has refused to work the incentives, except for three persons in the bag printing department who did well when taking advantage of the incentives.

118. It will thus be observed that Coimbatore has the highest basic of all the factories, and it is about Rs. 20 higher than each of the other factories. As regards dearness allowance Kanhana pays a higher dearness allowance because it is the same as the textile dearness allowance of Nagpur. If we exclude the incentives, then the basic wages and dearness allowance of Coimbatore come to Rs. 96 at the start and Rs. 132 at the maximum as against Rs. 80 and Rs. 111 at Kanhana; in Ghatkesar Rs. 74 at the start and Rs. 98 at the maximum; and in Jamnagar Rs. 70 at the start and Rs. 95 as the maximum. Apart from Coimbatore, the maximum approaches but does not everywhere reach the need-based wage, which is the minimum of a fair wage, and it is evident, that the minimum wage in all the four factories are less than what is indicated by the Resolution as a need-based wage. It has been urged by labour that the need-based wage should be exclusive of any incentives, and to a large extent it would be so. It is however abundantly clear that for a fair wage the workmen must give a fair day's work. In other words, in return for a fair wage labour must give to the full what can be expected from a willing worker doing work with reasonable diligence and application during the period of the shift. And in order that the system of incentives should be successful it is necessary to ensure that as far as possible each worker to whom the incentive scheme applies shall have the same chance of earning the incentives as any other workman of the category. I find that this principle has not found expression in all the lines of the separate incentive schemes of these four factories.

119. A great deal has been said by labour about the starting point of the incentives, in other words what is referred to as the target. Upon reaching this target the incentive commences. It is the complaint of labour that the targets have been fixed so high that the incentives have little meaning. It is here necessary to consider how these targets have been fixed. They have been fixed in fact and in effect as a result of the production which the workmen have been giving. They have been found by trial and error and have been revised under

a series of agreements. The selection of a particular target did not mean that the concern regarded it as a fair outturn of work for the day. On the contrary in view of the apathy of labour to work the company had been at pains to induce them to give the better production which the company knew could be reasonably achieved. But the company had to go step by step in order to secure the workers' willing consent and this continuous attitude of the management has been taken as a sign of weakness, specially in Kanhan where the workmen not only refuse to work the incentives but actually idle daily for an hour of shift. There have also been surprises at times for the management, and upon giving an incentive scheme they have found a sudden spurt of unexpected production. I have however examined the targets and have found that they have been well deduced and in fact are more than fair to the workmen. The incentive schemes of the four factories are different from each other, and we must regard the Coimbatore incentive scheme separately from the others. As regards the schemes applicable to Ghatkesar, Kanhan and Jamnagar, the company has offered to apply to the three of them the Ghatkesar scheme which is considered to be the most liberal of the three; labour has no objection to the application of the Ghatkesar scheme to all these three factories, and in my opinion it is a wise decision; labour however contends that the targets of the Ghatkesar scheme are too high and that the incentive rates are low; alternatively labour has asked for the application of the piece-rate system of the Hide Road factory to all these four factories, but that is not possible for several reasons. The Hide Road factory being the oldest factory has a historical background of wages which have been high even for Calcutta. Hide Road has always been piece-rated, whereas the other factories either started with hourly rates or later adopted it, but they were never piece-rated. To introduce piece-rates in the mofussil factories and to recast the entire structure is neither feasible nor permissible on the materials before me.

120. A disconcerting feature of the production in these factories has been the variations in actual production in the same line from time to time. The concern has given a statement of the details of the ups and downs of the packing benches of the four factories for the years 1953 to 1958. It has been attacked by labour on the ground that the figures are averages and therefore do not point to any definite conclusion, and also that although there may have been a spurt in production for some time it could not be kept up for all time, and that the drawing of inferences from production given for a short while would not be fair. There is substance in this criticism and it will have to be taken into account. The figures however do show that certain productions can be reached, may or may not be comfortably; and they throw considerable light on the manner in which the ups and downs of production have proceeded. For instance, on Kora pice packet machine, in 1953 Coimbatore with five men produced 8 cases, Ghatkesar with four men 11 cases, Kanhan with five men 9 cases and Jamnagar with four men 8 cases. This continued up to 1955 in which year Jamnagar increased to 11 cases and 10 parcels, but in 1956 Jamnagar lapsed into 8 cases again, with Coimbatore rising from 8 to 10 cases. In 1958 the production was Coimbatore 10 cases, Ghatkesar 10 cases, Kanhan 9 cases and Jamnagar 10 cases. As regards Kora 1/4 lb., which is hand-packed, production rose from 40 cases in 1953 to 89 cases at Coimbatore, from 45 cases in 1953 to 65 cases in 1958 in Jamnagar factory; and in both of them there had been a regular upward tendency. As regards Kora 2 oz. (hand-packed) Coimbatore produced 22 cases in 1953 and up to 1955 and after that this line was discontinued and replaced by machine packing. Ghatkesar in 1953 produced 34 cases, Kanhan 29 cases and Jamnagar 25 cases. In 1957 Ghatkesar produced 36 cases, Kanhan remained at 29 and Jamnagar went up to 43. Last year Ghatkesar produced 36 cases, Kanhan 29 and Jamnagar 36. The ups and downs are even more pronounced in SHB 1 lb. hand-packed, in which line Coimbatore factory produced 100 cases per day up to and including 1957; in 1958 it rose to 201 cases, but again fell to 150 cases from October 1958, presumably to fall in line with Ghatkesar which had been producing 147 cases from 1956. Jamnagar produced 120 cases in 1953, 129 in 1954 and 1955, 125 in 1956, 218 in 1957 and in 1958 162 cases. As regards Kora 1 lb. hand-packed, Coimbatore had been producing round about 100 till 1957, and then there was a spurt in 1958 to 209 cases until October 1958 when it dropped to 150 cases, and now it is said to be 216. At Ghatkesar it was 130 rising to 162 in 1954 and then it fell to 130 and has stayed steady for the last three years at 147. Kanhan has with mechanical regularity produced only 126 cases throughout the last six years. Jamnagar produced 125 rising to 129, but in 1957 it produced 218 cases and in 1958 it dropped to 162. I think these figures are sufficient illustration of what I call the ups and downs of production. There can be no explanation for such wide variations from factory to factory and even in the same factory, except on the basis of erratic effort or deliberate slow down at times. I can understand the sudden drop in production after October 1958, for it has coincided with the

consideration of norms and emoluments before me and it was probably felt that a higher production was not good evidence.

121. As regards Kanhan, the situation there has been one of continued obstruction to higher productivity. They have refused to give beyond 29 cases on Kora 2 oz. hand-packed although everywhere else it has been at least 34. In the other lines also they have lagged behind. They declined to have the Ghatkesar scheme of incentives, and have not shown readiness to have any incentive scheme at all. I do not know what is the quality of labour leadership in the factory, but there seems to be a concerted attempt to produce as little as possible. It is evidently nothing usual to find the workers at Kanhan stopping work at 4.00 O'clock and just idling in the premises till 5.30, and then claiming and receiving an hourly rate of pay for the full hours of the shift. They claim that they have produced as much as the company says is a fair day's production and that they were not under any obligation to work for the remaining period, and that they are also not interested in going beyond the targets. It has been asserted by the representative of the workers who came to give evidence before me that they were not going to produce more because of fear of retrenchment. I find that this fear has been put forward as an excuse and has nothing to justify it. There was a small retrenchment some twelve years ago, and a lay off was contemplated about five years ago, but the matter was settled to the satisfaction of the union. It is therefore clear that the refusal to work beyond 4 p.m., even though they are paid for the whole day, means that they are not doing a fair day's work for the wages that they have been receiving. The suggestion that they had given by way of production what they had stipulated has no meaning in the context. There was no stipulation as alleged. It simply means that the targets were low and could be fulfilled 1½ hours before the end of the shift, and this is specially true of the machine packing, where the speed of the machine normally determines production. Furthermore their dearness allowance has been fixed according to what the textile workers of Nagpur receive, and thus they are quite happy to give a limited production and receive a full day's wage even though they work about 1½ hours less per day; in terms of loss to the concern it is considerable; in terms of loss of production it is . . . . . Nor can it be said that there is any appreciable difference in the . . . . . workmen of the four separate factories for productivity. As, I . . . . . they are all of the same stock, their food habits are more or less the same on the basis of a total diet, they are equally vigorous, and equally intelligent and dexterous. Furthermore it is not in dispute that the working conditions in all the factories are more or less the same. I visited the Calcutta factory as well as the Coimbatore factory, and I found them well laid out with plenty of light and ventilation. A charge had been pressed before me that the workers had to work in an atmosphere laden into dust and that they were being stricken with tuberculosis and other occupational diseases. When I visited the factories I observed with more than usual care about this allegation of dust laden atmosphere in the factory, but I found that the allegation was unfounded. As in all superior factories, I found in these factories a powerful system of dust extraction which worked efficiently and left the atmosphere almost free of tea dust. What little remained in the atmosphere was inevitable in any factory of this character. While I was at the Hide Road Factory I found that the hood of the chute down which the tea came had been raised in order to blow dust all over the place. I enquired of the operative as to why the hood had been raised and got no satisfactory answer. I then asked him to lower the hood, and when this was done the dust disappeared. I had a similar experience in another factory. Dust extraction of this character is nothing new, and it is to be found in most of the modern factories, and it is essential that the factory should be kept as free of dust as possible. As regards tuberculosis, the incidence of tuberculosis in the factory is none greater than anywhere else, and it is heartening to find that many T.B. patients have been cured and have returned to work, and have been provided with lighter work during their period of convalescence. As regards occupational diseases I have yet to understand what occupational disease was indicated beyond the general allegation that there was an incidence of gastritis. There is no evidence that there are any occupational disease connected with factories of this kind.

122. The Coimbatore factory has been fairly successful with its incentive scheme, but Jamnagar and Ghatkesar have not shown much headway, and of course Kanhan has not worked it at all. The factories taken together pack the totality of brands (or packings) which the concern puts on the market; it is not every factory that produces every brand; and there are cases where some factories pack a particular blends and other factories produce other blends and so on. There are some factories which produce the same brands, as for instance, Kora 2 oz. and SHB 1 lb. and Kora 2 oz. and SHB 1 lb. and Kora 1 lb.

Coimbatore is the only factory which processes and packs coffee. The company may discontinue a particular blend for some time and go back to it later on.

123. There is no doubt that it is necessary to alter the wage structure so as to provide a suitable fair wage according to the Tripartite Resolution, and at the same time to give the workers an incentive and an equal opportunity to earn those incentives within the categories. But at the very outset we are confronted with the differences in the basic wages and dearness allowance between the four factories; we are faced with the fact that in the three factories of Kanhan, Ghatkesar and Jamnagar the basic and dearness allowance fall short of a need based fair wage at the commencement according to the Tripartite Resolution, and even at the maximum the lower level of a fair wage is not reached in every case, except in Coimbatore where it is higher. I have also to take into consideration the fact that each of the factories has a scale of basic wages with a considerable difference between the minimum and the maximum, and in fact in Kanhan the maximum is double that of the minimum. Then again the dearness allowance of the four factories differ. But the most important is the variation in incentive earnings amongst the four factories, and the refusal of Kanhan to give a fair day's work. For the purposes of these incentive schemes, I consider it desirable to take Coimbatore separately from the other three, because in Coimbatore from the first the wages have been higher, and in Coimbatore there are indications of a desire to earn more by incentives.

124. Thus in the case of these incentives there are three factors which have different pulls. Firstly, there is the undoubted capacity in the concern to pay a wage according to the Tripartite Resolution, which means a need based fair wage. The second factor is the insufficiency of the present wage in relation to the wage payable in terms of the Tripartite Resolution; and thirdly, there are the twin factors of a failure on the part of the workmen to give a fair day's work for a fair day's wage, and in the case of Kanhan the refusal to work after 4 p.m. by which time only a certain measure of work has been completed. These three forces have to be brought into equilibrium.

125. In the normal circumstances it could have been easy enough to increase the basic wages and dearness allowance of the workers of the three factories, so as to bring them up to a need based wage. But circumstances are such that it is impossible to proceed in that direction. If I were to increase the basic wages and dearness allowance of Kanhan it will simply perpetuate their refusal to give a fair day's work for a fair day's wage, when even with their present basic and dearness allowance they stop work at 4 and are satisfied with their wage. Apart from Kanhan, the other two factories have not shown good results from their incentive schemes and their average incentive earnings have been just Rs. 12 per month; this may be due partly to a comparatively low rate in some lines, but in the main it shows that the workmen are not working the incentive as they should.

126. The proviso to the Resolution of the Tripartite Conference states as follows:—

"Wherever the minimum wage fixed was below the norms recommended above, it would be incumbent on the authorities concerned to justify the circumstances which prevent them from adherence to the aforesaid norms."

If, therefore, I am not prepared to increase the basic wages and dearness allowance so as to give the workmen a minimum fair wage according to the standards laid down by the Resolution, it is incumbent on me to justify the circumstances which prevented adherence to the Resolution. Having regard to the apathy or indiscipline or both which has result in the present situation at Kanhan, and in lesser degree in Ghatkesar and Jamnagar, I am satisfied that to raise the basic wages and dearness allowance in order to give effect to the Resolution would result in a marked decline in production and productivity for the reasons which I have already stated. This does not mean that the workers should not receive a minimum fair wage as provided by the Resolution; it simply means they will receive it if they do a fair day's work; and I propose that it should be achieved by an adjustment of the incentives. I am aware of the theoretical principles affecting incentive and progressive piece rates; but those theories have true application only in normal and stable conditions; where conditions are far from normal or stable, theory has to give way to the practical consideration. (Vide Labour Appellate Tribunal decision on incentive rates for Bombay Dock Workers). I am aware that even by the alteration of the incentive there may be some differences between factory and factory but those differences are inevitable, unless I put all basic

wages and the dearness allowances and the incentive schemes into the melting pot and produce a new scheme altogether. This would be feasible but it would not be satisfactory, because while Coimbatore for historical reasons has had a higher basic wage plus dearness allowance all along, Kanhan with the next highest basic plus dearness allowance has lagged behind Coimbatore in effort and production. Any attempt to equalise basic wages and dearness allowance in all these four places would result either in an inflated wage bill if all are equated to Coimbatore, or else in discontent in individual factories if the wages of Ghatkesar or Jamnagar were taken as the basis. Upon a careful consideration of existing factors, I deem it necessary that the basic wages and dearness allowance should remain as they are, except that the dearness allowance of Jamnagar should be given flexibility by means of a scheme, as indicated hereafter. But the incentives will have to be adequately reorganised.

127. It is not possible within the ambit of an award to give reasons for every change in the target or every change in the rate of incentives which I am giving. The basic principle is to ensure that every workman in an incentive scheme has the same chance of earning the incentives according to his category and effort. I have carefully gone into the figures and made calculations over several days, and the changes which I am making in the incentive schemes are the result of careful thought. I am however unable to accept the contention of labour on behalf of Kanhan that it should be given a lesser target to take advantage of the incentives. There is no reason why Kanhan should have a lesser target than any other factory of this concern. Of the three Kanhan has the highest basic plus dearness allowance and should have flourished with the incentive scheme which had been offered. If everybody else can achieve a minimum of 34 in a particular line, I should not be asked to reduce it to 29 for Kanhan in order to perpetuate their refusal to give a fair day's work.

128. I have decided that Coimbatore should be treated apart and its incentive scheme should remain as it is subject to the alterations shown in the following statement marked B; I have also come to the conclusion that the Ghatkesar scheme should be applied to the three factories of Ghatkesar, Kanhan and Jamnagar subject to the alterations shown in the following statement marked A.

129. The Coimbatore incentive scheme requires only two alterations which are specified hereafter in the statement marked B, but they are substantial.

**'A'**

*Incentive Schemes for Ghatkesar, Kanhan and Jamnagar factories*

The Incentive Scheme of Ghatkesar Factory which is existing at present in this factory will apply to the three above-mentioned factories, along with the existing terms and conditions, subject to the following amendments in the scheme:

Line	No. of Pkts to a case	Men per bench or machine	Target at which incentive begins	Incentive on reaching target	Incentive rate per man thereafter on each completed case or unit
<b>Packing Department .</b>					
Kora Pice Packet .	5040	4	9 Cases	45 nP	10th case . . . 50nP 11th case . . . 55 nP 12th case and on each completed case thereafter . 60 nP
Kora 2 oz (hand packed)	576	8	34 Cases	23 nP	On each completed case thereafter . 23 nP
Kora ½ Lb . . .	240	7	56 Cases	12 nP	On each completed case thereafter . 12 nP
Kora 2 oz (Machine packed)	576	3	45 Cases	..	For every case from 46th case . . . 36 nP To be shared equally among the gang.



Line	Men per M/c	Target at which incentive begins.	Incentive on reaching target	Incentive rate per man for production above target.
<i>Bag Making</i>				
Kora 2 oz Bags	1	20,000	15 nP	On the 1st 1000 bags . . . 20 nP On the 2nd 1000 bags . . . 25 nP On the 3rd 1000 bags . . . 35 nP On the 4th 1000 bags . . . 45 nP On every 1000 bags thereafter . 45 nP
Kora 1-Lb Bags	1	14,500	15 nP	On the 1st 500 bags . . . 20 nP On the 2nd 500 „ . . . 25 nP On the 3rd 500 „ . . . 35 nP On the 4th 500 „ . . . 45 nP On every 500 bags thereafter . 45 nP
Kora ½ Bags	1	17,000	15 nP	On the 1st 500 Bags . . . 20 nP On every 500 Bags thereafter, upto 19,000 . . . 25 nP On every 1000 Bags thereafter . 25 nP
<i>Lining Cutter</i>				
1-Lb Linings . . . (Kora & S.H.B.)	1	52,000	15 nP	On the 1st 1000 Linings . . . 20 nP On the 2nd 1000 „ . . . 25 nP On the 3rd 1000 „ . . . 30 nP On every 1000 Linings thereafter 6 nP
2-oz Linings (Kora)	1	2,10,000	15 nP	On every 10,000 Linings there after upto 2,60,000 . . . 20 nP On every 10,000 Linings thereafter . . . 25 nP
<i>Printing</i>				
Kora 2 oz Flats	1	1,70,000	15 nP	On every 10,000 Flats there after upto 2,00,000 . . . 15 nP On every 5,000 Flats thereafter upto 2,30,000 . . . 10 nP On every 1000 Flats thereafter . 3 nP

‘B’

*Incentive Scheme for Coimbatore Factory.*

The Incentive Scheme of Coimbatore Factory which is existing at present will continue to apply to this Factory, along with the existing terms and conditions, subject to the following amendments in the scheme

Line	No of Pkts to a case	Men per bench or machine	Target at which incentive begins	Incentive on reaching target	Incentive rate per man thereafter on each completed case or unit
<i>Packing Department</i>					
Kora Pice Packet	5040	4	9 Cases	45 nP	10th case . . . 50 nP 11th case . . . 55 nP 12th case and on each completed case thereafter . 60 nP
Kora 2 oz (Machine packed)	576	3	45 Cases	..	For every case from 46th case . . . 36 nP To be shared equally among the gang.

As has been stated in sheets marked 'A' and 'B', the existing terms and conditions of the Ghatkesar factory incentive scheme shall apply to Ghatkesar, Kanhan and Jamnagar. Similarly the existing terms and conditions of the Coimbatore factory incentive scheme shall continue to be applicable to the Coimbatore factory:

Subject nevertheless that the following additional conditions shall be applicable to the incentive schemes of all the four mofussil factories:—

1. Wherever the number of men are more or less than specified in the incentive schemes, or the hours worked are different, proportionate adjustments will be made in the target and in the incentives.
2. Kora pice packets are packed in all factories, Kora 1/4 lb. in Coimbatore and Jamnagar, Kora 2 oz. in Ghatkesar, Kanhan and Jamnagar and machine packed in Coimbatore, SHB Kora 1 lb. dust is packed in all the four factories, Roses 1 lb. previously in Ghatkesar and Kanhan and Roses 1/2 lb. are not at present in any of the four factories. The scheme here given for the three factories of Ghatkesar, Kanhan and Jamnagar comprising lines, targets, rates, number of men, etc., shall apply whenever in any of these three factories any of the above packings are done, and shall also apply to Coimbatore if it decides to introduce any of these lines not at present in existence there.
3. The targets and rates are for the lines and classes of packing, and bag and printing, irrespective of any change of wrappers or labels.
4. Proper quality of production will have to be maintained and machines kept fully cleaned.
5. As regards Kanhan box department, they give a production of 175 boxes for a gang of three, although production given in the past was 350, and they themselves agreed in Works Committee to increase the production to 300, which having regard to the evidence is still below capacity. I direct that the box department of the factories, present or future, with a gang of three should produce not less than 300 boxes in order to earn the B class incentive. If gangs expand, production must proportionately increase.
6. All hourly rated workers in the four factories with the exception of hourly rated mistries in Kanhan and Ghatkesar factories and hourly rated Grade I workers in Jamnagar factory will participate in the two schemes here given as applicable.
7. The workers in class B occupations will be credited with the average earnings under the incentive schemes of workers engaged in class A occupations.
8. Incentive will be paid only if packaged production of the day is properly packed, parcelled and cased. Fractions of cases will not count. Bag and printing department production must similarly be arranged in trays or cases as required by the management in easily accountable lots.

132. The schemes of incentives are altered accordingly, and I have no doubt that if they are worked with a will the emoluments of the workmen will considerably increase. There is however the background of erratic production, and I would here repeat what I have said of the Engineering personnel of Hide Road, that if any workman has no desire to do a fair day's work he will have to make room for others. He must forget tactical pastimes like go-slow and idling, and should realise that the incentives have been given to help him and not to hinder him. Should the tempo of work be unsatisfactory the management shall be at liberty to take disciplinary action; the incentives as now given are not only sound but even liberal, and if the workmen do not take advantage of it they will needlessly be harming themselves. In return for a good wage the employers are entitled to proper production and industrial peace.

133. The word 'targets' as used by the concern in the past in relation to incentives has been the subject of differing interpretations. In this award it means the point at which incentives come into play, and the target has been so fixed as to be comfortably attainable. It does not however mean that as soon as the target has been reached a day's fair work has been done.

## CLAIM No. 3—PROMOTIONS

Labour claims that there shall be no direct recruitment to the higher scales unless no suitable person is available from existing personnel; labour also wants competitive examination to be held for the purpose of promotion or in the alternative consultation with the Federation. The company contends that there is no substance in the issue. There is no direct recruitment and no competitive examination is possible. Before promotions are made careful enquiries are made as to the adaptability and suitability of the employee for the higher post; that the history of the company as regards promotions is very good; all Controllers have been promoted from salesmen and most Branch Managers have been promoted from salesmen or clerks; out of 10 group managers eight of them are from the lower ranks; of the five Directors two are Indians and were salesmen and one of them is now the Chairman; every month salesmen are being tested to become Controllers. The company therefore contends that to lay down rules for promotion will undermine confidence, especially as no complaints as to promotion have so far been made.

It may be that the company has a good record of promotions and it is obvious that in the set-up of this concern there must be a constant stream of promotions where the character and capabilities of the individual would be the decisive facts and the concern must be given freedom to make a choice for the purposes of promotion. Labour however has a right to be satisfied that promotions do not proceed on basis other than of merit, even if no instances have been cited to the contrary. I give the general formula which has been accepted by many concerns, namely, all things being equal seniority shall count for promotion. If the senior person has been overlooked in the question of promotion he is at liberty to ask the concern for the reason why he has been overlooked, in which case the concern shall give him the reasons, provided that it does not expose the concern or the officer giving the reasons to any civil or criminal proceedings.

136. It is however tolerably certain that in a concern of this character, where promotions are frequent, it would be unwise on the part of an employee to ask why he has been overlooked in the matter of promotions; there will be a number of chances available to him to get the requisite promotion if he deserves it.

## CLAIM No. 4—DEARNESS ALLOWANCE

137. This claim is for dearness allowance and it says "All the salesmen shall be paid dearness allowance at the rate equivalent to the rate given to other employees of the company. Minimum dearness allowance be fixed at Rs. 70".

138. It has been contended by the concern that this issue has reference only to the dearness allowance of the salesmen and that the minimum dearness allowance sought is only as regards the salesmen. There are different sets of dearness allowance. There is a dearness allowance for the monthly rated which is high; then there is the dearness allowance of the salesmen which is lower than that of the monthly rated; and then there is the dearness allowance of the factory workers whose dearness allowance is linked to the cost of living of the regions. Having regard to the contentions of labour I have no doubt that the minimum dearness allowance of Rs. 70 was sought for everyday. The dearness allowance of the monthly rated is high, and as I have already said their total emoluments are satisfactory on the whole, and no question of increase in their dearness allowance is indicated. As regards the salesmen I have already dealt with their dearness allowance separately. As regards the factory workers when dealing with the question of the emoluments of the factory workers I have dealt with the question of basic wages and dearness allowance together with incentives. Thus this issue of a minimum dearness allowance of Rs. 70 does not survive.

## CLAIM No. 5—ALLOWANCES

(a) *Special Allowance to Relief Salesmen:*

139. Labour wants an alteration in the special allowance of relief salesmen who get Rs. 18 p.m. if they are unmarried and Rs. 25 p.m. if they are married; he does not get any commission but he gets empty boxes. Labour asks that he should get the average commission of the salesman. I have already dealt with this question when I was dealing with the relief salesman's emoluments. No alteration is indicated.

(b) *The Night Allowance paid at present is inadequate and as such it should be increased on the following rates:—*

- (1) Office-Staff, Controllers and Godown Keepers: Rs. 10 per night.
- (2) Salesmen: Rs. 7 per night.
- (3) Vanmen, Godownmen and Peons, etc.: Rs. 4 per night.

(c) All the salesmen and vanmen shall be paid food allowance at the rate of Rs. 2.50 nP. and Rs. 1.50 nP. per day respectively while they visit out stations.

(d) *Daily Allowance to Relief Salesmen:*

140. Labour contends that the overnight allowance paid to the Controllers, Salesmen, vanmen, godownmen and peons and office staff and godown keepers should be increased. The Controllers get Rs. 7, and it is therefore contended that Rs. 3/8/- paid to the salesmen when they are out of station is insufficient. It is also pointed out that the relief salesman gets Rs. 3 as his daily allowance and -8/- annas more if he goes out station, and that this is insufficient. If the salesman goes out for the day to an outstation and returns the same day after 10 hours of work he gets Rs. 2/8/- and that too they say is too low. Labour also wants the daily allowance of the controllers to be increased to Rs. 10, of the salesmen to Rs. 7, and of the vanmen, godown men, peons, etc., to Rs. 4 instead of Rs. 1/8/- given at present. It is urged that the controllers and the salesman belong to the same social class and that the clerks are at present paid the same as for the controllers; similarly if the salesman is out for more than 10 hours in a day he should get Rs. 2/8/- instead of Rs. 1/8/- as at present and the vanmen should get Rs. 1/8/- instead of -12/- annas as at present. In my opinion there is a case for increasing the daily allowance of salesmen when they are out for the night, as also of vanmen, godown men and peons. The salesman should get Rs. 5 instead of Rs. 3/8/- as at present if he goes outstation for the night; similarly vanmen, godown men and peons should get Rs. 2/8/- instead of Rs. 1/8/- as at present. If a salesman leaves the station for the day and is away for more than 10 hours he should get Rs. 2/8/- instead of Rs. 1/8/- as at present, and the vanman should receive Rs. 1/8/- instead of -12/- annas at present, and this will apply also to godown keepers, godown men, peons. No other changes are indicated.

(e) *Walking Allowance:*

141. The question of walking allowance has not been pressed.

(f) The salesmen working on Motor Van shall be paid Rs. 80 per month as Driving Allowance.

142. This has not been pressed.

(g) *Maintenance Allowance:*

143. 'Relief salesmen who are required to work in place of salesmen working on motor vans shall be paid Rs. 10 per period for maintenance of licence.' The concerns says that they have only 9 or 10 motor vans to cover the larger areas and for quicker supplies to those areas. For these they have salesmen who can drive cars. Many have volunteered and a few have been selected and they are being given a driving allowance of Rs. 10/8/- per week. The vanman accompanies the salesman in this motor transport. Furthermore the salesmen have an easier time when they have the advantage of motor transport. This claim is disallowed.

(h) *Machine Allowance:*

Not pressed.

(i) *Officiating Allowance:*

'Any employee officiating in place of a person in the next higher grade shall be paid officiating allowance equal to the difference between present pay and the scale of the post for which he officiates.'

The company opposes this claim and states that no employee is asked to officiate in the higher grade as the higher category takes over the work of the lower category. Thus a decision on this issue is unnecessary.

## CLAIM No. 6—GRATUITY

146. Labour claims that all workmen shall be paid gratuity at the rate of one month's total emoluments for every completed year of service without restriction of the service period on their ceasing to be the employees of the company for any reason whatsoever. The company has a retirement gratuity scheme and the age of superannuation is 58. The retirement gratuity consists of one month's basic remuneration of an employee for every completed year of service, calculated on the monthly basic remuneration the employee is drawing at the time of retirement subject to a maximum payment of 15 times such months' basic remuneration or Rs. 7,500 whichever is less. There is a second provision that in the event of death in service, or premature retirement due to general incapacity caused by ill health or by accident not due to the employee's neglect or misconduct, and certified by a medical referee appointed by the Directors of any employee with a minimum of 10 years continuous service the Board will pay to the legal heirs or successors of the employee or to the employee himself, in the case of premature retirement due to ill health or accident, an amount of gratuity calculated in accordance with the same terms on which retirement gratuity is being paid. There was a subsequent amendment which has provided that a gratuity equal to half a month's basic pay per completed year of service with the company subject to a maximum of 15 months' basic pay or Rs. 7,500 whichever be less will be paid to all staff who resign after completing ten years service with the company.

147. There are few matters which require attention in the scheme of gratuity. There is the question of the salesmen's basic emoluments, with which I have already dealt there is also the case of an employee's termination of service by the company. Then again it is not fair or in keeping with other gratuity schemes that the condition *supra* 'with a minimum of ten years continuous service' should condition the payment of gratuity in case of premature retirement due to bad health or accident. Labour prefers to have one month's basic pay for each year of service (with a ceiling) as at present rather than half a month's basic per year of service without any ceiling. The gratuity scheme is satisfactory as far as it goes, but I think it should be simplified and improved on lines now generally adopted for establishments. I therefore give the following scheme in substitution of the existing scheme:—

- |  |   |
|--|---|
| (1) On superannuation or on the death of an employee while in the service of the company or on his becoming physically or mentally incapacitated for further service : | One month's basic wages for each year of continuous service to be paid to the superannuated or disabled employee, or if he has died to his heirs or legal representatives, subject to a maximum of 15 month's basic wages or Rs. 7,500/- whichever is less. |
| (2) On voluntary retirement or resignation of an employee after 10 years continuous service ;  | half month's basic wages for each completed year of service subject to a maximum of 15 months basic wages or Rs. 7,500/- which is less.   |
| (3) On termination of service by the company (other than on superannuation) and in addition to statutory retrenchment relief :   | for continuous service not exceeding 10 years quarter month's basic wage for each completed year of service.<br>for continuous service exceeding 10 years half a month's basic wage for each year of completed service.                                     |

This scheme shall be in substitution of the scheme of the company as shown in exhibit A3. The provision about the age of retirement is retained and will read as follows:—

"The age of retirement is 58 and every employee will retire on the 1st April next following his reaching the age of 58 according to the company's record. If however an employee wishes to retire after reaching the age of 55 and before he is 58 he may do so by giving three months' prior notice in writing of his intention so to retire, and the same gratuity benefits will be applicable."

148. As regards the proviso that "gratuity shall not be paid to an employee who is dismissed for misconduct," in view of the fact that automatic termination takes place under a provision of the standing orders it is necessary to add this: "the misconduct here contemplated is serious misconduct involving moral turpitude, including dismissal from service for dishonesty, theft or fraud, or any

other items of gross misconduct involving dishonesty, financial loss, and/or moral turpitude," (vide—concern's written statement at paragraph 75). Thus I have retained items 1 and 2 of the company's gratuity scheme and given a fresh item 3.

#### CLAIM No. 7—PROVIDENT FUND

149. The claims of labour under this head of provident fund are—

- (a) The employee shall be entitled to the company's contribution to the provident fund on their confirmation in service and shall be paid on their ceasing to be employees of the company.
- (b) 50 per cent. of the Trustees of the Provident Fund trust shall be elected from among the beneficiaries.

150. As regards the first claim the company has a well graduated scheme of payment of the company's contributions to the provident fund in the event of retirement or resignation before the full length of service in the concern. This applies to both the staff provident fund as well as the factory workers' provident fund and I see no reason to interfere with its provisions. There is however a certain degree of ambiguity as regards rule 20, sub-rule (2) of the staff provident fund which states: "on the voluntary resignation, termination of service, or retirement of any member, without the existence of any cause justifying dismissal and not for any reason referred to in paragraph 1 above." The words "without the existence of any cause justifying dismissal" are inappropriate and the sentence should read "On the voluntary resignation, retirement of any member, or termination of service of a member, not being termination proceeding from dismissal, and not for any reason referred to in paragraph 1 above, the company shall pay to him..." The same will apply to the relevant portion of the factory workers' provident fund rules. The claim of labour that 100 per cent. of the employer's contribution should be paid at 10 years and not at 15 years is not acceptable. As regards labour's contention that if a workman loses his gratuity on misconduct there should be no such reduction of provident fund, the objection has been met by my defining the word "misconduct" in relation to the gratuity scheme and that is the definition which labour also wants.

151. As regards the contention of labour that 50 per cent. of the trustees should be elected by the members of each fund, the present position is that there are three trustees; two are senior directors and one is a senior Indian member of the provident fund. Labour contends that nomination of their member of the fund should be replaced by an election. It has however been pointed out, and with considerable force, that the provident funds are located in Calcutta and that the work of the trustees of the provident fund has to be carried on in Calcutta; it is therefore not possible to introduce a system of election unless it was stipulated that the person elected should always belong to Calcutta, and that is a stipulation which would not be acceptable. Similarly in the case of the case of the staff provident fund, the person who would be elected would have to be in the employ of the concern in Calcutta so that the work of the provident fund may be facilitated. There is no complaint against the management of the provident fund as such, and the appointment of a senior Indian member of the fund as one of the Trustees should be sufficient safeguard for the member of the fund. I therefore see no reason to introduce election for appointment as the employees' Trustee of the fund.

#### CLAIM No. 8—WORKING HOURS

152. The working hours are 36 hours a week for the head office, and in the factory offices 45 hours in Hide Road and 48 hours elsewhere, and labour does not press for any change; as regards the salesmen and vanmen they wanted 7 hours a day, but that also is not pressed. It is urged however that in the case of the factory offices the hours of work shall be reduced to 36 or some compensation shall be given. As regards overtime it is claimed that the office employees working between 36 hours, being the office hours, and 48 hours a week should get  $1\frac{1}{2}$  times their wages and double beyond 48 hours. The company at present pays more than 36 hours to 48 hours at the branches at a certain rate and at the head office something higher. I do not think this claim as to overtime is justified. The company agrees that nobody should ordinarily work overtime, and also agrees to pay overtime according to the various Shops and Establishments Acts applicable to them. They also state that they pay overtime in the factories according to

the Factories Act and no question arises. The company further says that this issue is only of academical interest as everybody finishes his work within 5 O'Clock and the work is so arranged that everybody should finish his work by 5 O'Clock. The Head Office pays overtime because of the shipping department work which cannot be foreseen. In the branches no one is expected to work overtime and there is no need for anybody to work overtime. Labour however contends that in the head office they pay overtime at  $1\frac{1}{2}$  times up to 48 hours and beyond that double, and they want the same for the branches, but I do not think that there is any justification for the extension of the head office practice to the branches. The claims under this issue cannot be granted.

#### CLAIM No. 9—BONUS

153. Labour's claim on this issue says that the company shall pay bonus to all its employees for the years 1954/55, 1955/56 and 1956/57 on the following rates:—

Year 1954/55—Four months' basic pay.

Year 1955/56—Six months' basic pay.

Year 1956/57—Six months' basic pay.

154. After the conclusion of the hearing on this issue, at the suggestion of the Tribunal Shri Sundaram took instructions from the company. The company was prepared to pay *ex-gratia* to all the workmen concerned  $\frac{1}{24}$ th of the annual basic earnings of the bonus year 1954/55, in addition to what has already been given by the company, on the following conditions which were accepted by labour:—

- (1) Labour would withdraw the writ application in the High Court of Madras against the award of the Madras Industrial Tribunal in the matter of the 1954/55 bonus.
- (2) Labour would move the Nagpur Industrial Tribunal to the effect that the subject of 1954/55 bonus has been settled, and that nothing further remains to be done, and for termination of those proceedings concerning the said claim for bonus.
- (3) The parties will make a joint application to the Supreme Court to the effect that having regard to the agreement the award of the Allahabad Adjudicator may be quashed.
- (4) In view of this *ex-gratia* payment, labour would not press for additional bonus for the years 1955/56 and 1956/57.

155. The amount agreed to be paid would be distributed as soon as the three conditions aforesaid relating to pending matters had been completed. Neither party would claim any costs in any of the three proceedings. The parties having agreed as aforesaid, this issue is disposed of in terms of the agreement, and awarded accordingly.

#### CLAIM No. 10—LEAVE

156. The claims of labour as to leave are shortly these—

Annual leave—30 days with an accumulation of 90 days.

Casual leave—15 days. This leave may be availed of as and when required by an employee.

Sick leave—30 days with full pay and 30 days with half pay with an accumulation of 90 days in each case. Sick leave shall be granted from the date an employee is reported sick and not two days after and the employer may require an employee to submit a medical certificate for the Sick Leave provided the leave exceeds three days. Weekly submission of medical certificates shall not, however, be insisted upon.

“An employee shall be entitled to the return railway fare including that of his family members for proceeding to any station or to his home town during the annual leave as per existing movement rules.

The salesmen shall continue to receive the commission on the scales during the period of their any type of above leaves.

Without pay leave means only without basic pay".

The company contends that they cannot give the factory worker an annual leave of 30 days and accumulation of 90 days, that it is observing the Factories Act, and in fact leave has been given more than what is provided by the Factories Act, and my attention is called to the comparable leave terms of National Carbon Company, Imperial Tobacco etc.

157. Now, the Factory Act gives one day leave for 20 days worked which means 14 days a year; it gives no casual leave, no sick leave, but there is the State Insurance. The Factories Act does not provide for any festival holidays, and the Factories Act further gives leave only when 240 days have been worked, whereas having regard to the absenteeism among the clerical cadre some 60 per cent would not qualify for leave.

158. Before I deal with this subject more fully I must refer to a scheme of sick benefits which was introduced in the year 1955. It provided for the services of a doctor for consultation and treatment and of a dispensary on the premises dispensing common drugs free, and there was to be sick fund consisting of contributions from employees and employers to give relief in instances of prolonged illness. Furthermore from 1st January 1957 all employees except factory labour were granted medical aid on the following basis:—

"From 1st January 1957 all employees who are genuinely sick, certified by a registered medical practitioner and who produce proper evidence of medical expenses, i.e. doctors' bills, bills for medicines and so on, will be entitled to a medical grant or grants up to a total maximum of half of one month's basic salary in any one calendar year"

These provisions were introduced in addition to the satisfactory quantum of sick leave for employees generally. The immediate result of this last facility has been a sudden spurt in absenteeism on the part of the clerks due to sickness. In Calcutta factory it rose from 1,042 in 1955 to 2,163 in 1957 and was 1,367 from January to August 1958; in Coimbatore factory it rose from 158 in 1955 to 391 in 1956, 395 in 1957 and from January to August 1958 it was 362. In Jamnagar it was 66 in 1955, 207 in 1956, 412 in 1957 and was 423 from January to August 1958. In Kanhan it was 456 in 1956, 594 in 1957 and 529 from January to August 1958. In Ghatkesar it was 57 in 1955, 242 in 1956, 454 in 1957 and from January to August 1958, 369.

159. At the head office the clerical staff get 30 days a year as privilege leave of which two or three weeks at the option of the employee should be taken as annual leave and the balance is casual leave entitlement. 15 days of the annual leave of one year can be carried forward to the succeeding year, and this together with the succeeding year's annual leave and casual leave totalling in all 45 days is to be availed of in the succeeding year.

160. As regards sick leave, in addition to the privilege leave there is a sick leave of 28 days on full basic remuneration and full dearness allowance 14 days on half basic remuneration and half dearness allowance 14 days on quarter basic remuneration and quarter dearness allowance. The full basic remuneration and full dearness allowance benefit, if not required, can be accumulated up to 56 days total in a leave year. The subordinate staff get sick leave of 21 days on full basic pay and full dearness allowance and 21 days on half basic remuneration and half dearness allowance. The full basic remuneration and full dearness allowance benefit if not required can be accumulated up to 42 days total in a leave year.

161. As regards the branch offices, the clerical staff get practically the same as the head office; they also get sick leave of 28 days on full pay and full dearness allowance 14 days on half pay and half dearness allowance and 14 days on quarter pay and quarter dearness allowance and the subordinate staff in the branch offices get more or less the same leave as the subordinate staff of the head office.

162. The salesmen get three continuous weeks leave for each year of service on full basic and full dearness allowance plus commission on sales effected in his depot by the relief salesman and accumulation is permitted for two years. After completion of one year's service a total of 10 days casual leave will be allowed in a calendar year on full basic remuneration and dearness allowance. Sick leave is the same as for the clerical staff of the branches. Leave facilities of factories are according to the Factories Act.

163. I shall take the leave of the clerks. In the Hide Road Factory in addition to the annual casual and sick leave they get all holidays declared on full pay and dearness allowance under the Negotiable Instruments Act. In the Coimbatore



factory the clerks get privilege leave, sick leave and casual leave the same as in Hide Road factory. Festival holidays are 15 on full pay and dearness allowance. Ghatkesar, Kanhan and Jamnagar give more or less the same as the Coimbatore factory and 14 days festival holidays on full pay and full dearness allowance. The other monthly rated staff like watch and ward, bearers, car drivers, sweepers and telephone operators get annual and casual leave for four weeks on full pay and dearness allowance. The watch and ward staff can accumulate up to eight weeks. They also get sick leave of 7 days on 3/4th pay and full dearness allowance, 7 days on half pay and full dearness allowance with small variations, and 7 days injury leave on full pay and dearness allowance in the year in Hide Road. The monthly paid workers such as mistries, printers, operators and sirdars get annual leave according to the Factories Act, casual leave of 14 days on no pay and dearness allowance. Sick leave same as for monthly paid worker, and festival holidays, all holidays with full pay as declared under the Negotiable Instruments Act. The piece-rated hourly rated or daily rated get annual leave as per Factories Act casual leave of 14 days in a year without pay and dearness allowance sick leave the same as the monthly paid workers, and festival holidays 21 days in the year in Hide Road out of which 9 are paid holidays; the other factories have about 14 festival holidays, between 6 to 9 fully paid, and the rest partly paid or not paid at all.

164. The position therefore is that as shown in the statement of leave facilities submitted by the employers (the authenticity of which is not in dispute) the leave terms of the clerks, stenographers, typists and compounders are quite satisfactory. In addition to casual and annual leave of four weeks on full pay and dearness allowance they get a very satisfactory sick leave, as also festival holidays with full pay. The other monthly paid workers also get satisfactory leave terms according to their categories. The watch and ward, bearers, car drivers, sweepers, telephone operators get four weeks casual/annual leave on full pay and dearness allowance and they have a satisfactory scheme of sick leave and festival holidays. The other monthly paid workers such as mistries, operators, printers and sirdars get annual/casual leave according to the Factories Act but they also get the same sick leave as the others and all holidays with full pay as declared under the Negotiable Instrument Act. The factory labour at Hide Road get leave under the Factories Act plus some additional benefits and casual leave of 14 days without pay and dearness allowance. They have a satisfactory system of sick leave and 9 days paid holidays in the year. The other factories have their annual leave, sick leave and festival holidays on more or less comparable lines although a little less than in the Hide Road factory. Thus the leave benefits given by the concern are substantial and more than fair.

165. Labour's first point refers to the question of accumulation. The company has a limited scheme of accumulation. If for instance 1959-60 leave is not taken to the fullest extent in the next year, the leave of the next year together with the remaining portion of this year's leave will have to be exhausted in the following year. This accumulation is limited to the clerks (except of factories where accumulation is governed by the Factories Act), stenographers, typists and compounders and the scheme requires amendment. I therefore direct that the company should keep separate leave accounts for these employees and permit the accumulation of the mixed casual/annual leave to the extent of 70 days. Any leave accrued due beyond that and not exhausted during the current year will be lost to the employee concerned.

166. Allied to this question is of course of the spread of leave among the staff. It is the practice of the concern at the beginning of the year to ask all the employees as to what leave they propose to take and when, and the management thereafter grants leave in such a way so as to cause the least amount of dislocation in work. There is nothing wrong in this procedure and my attention has been drawn to the instance where all the clerks in a branch desired to take leave at the same time, obviously with a view to embarrassing the management. It is, however, open to the management to give or to postpone leave according to convenience and exigencies of the establishment. The second point relates to a practice prevalent in this concern as has been already observed of the annual and casual leave being taken together and it is the claim of labour that this amount of leave should be privilege leave and the casual leave should be separately given in addition. I am unable to accept this contention because I find that the totality of leave is liberal not only in terms of days but also in terms of emoluments. There is however substance in the complaint of labour that in the case of sickness the first two days are calculated as casual leave and the rest as on sick leave. In my view this system does not operate fairly on the employees. If a person is ill, and so ill that he is obliged to apply for sick leave, then the whole period from the first

day of his absence from work on account of illness should be regarded as sick leave. If an analogy was required it is to be found in the rules of Government service. I therefore hold that the leave rules are satisfactory except as to the matters to which I have referred.

167. As in the case of annual/casual leave there is accumulation allowed in the case of sick leave, and such accumulation is allowed up to 56 days. There is no need for any change, having regard to the nature of their work and its exigencies.

168. The last point of labour is to the effect that all festival holidays should be fully paid. The number of such holidays is much higher than is generally found in comparable establishments, and a certain number of such holidays are fully paid, I am unable to grant anything more.

169. As regards the claim for railway fare, it has been pointed out by the concern that the labour is in the main recruit locally; that the majority of the concerns in India do not give travelling allowance for an employee and his family going on leave. Liptons do not give it either. I am unable to allow this claim.

170. As to the question whether the salesmen should continue to receive the commission on sales during the period of their leave of any kind, the present practice is that the salesman receives his commission for the period of his privilege leave. So far as casual leave is concerned, the company has to make other arrangements to fill the gap at cost to the company and I do not think that the salesman should have unearned commission during this period. As regards commission on sick leave, if sickness is for any length of time the company may have to make some permanent arrangements. There is also the danger that earning commission on sick leave might act as a disincentive to early return to work. I am unable to direct that during the period of his casual or sick leave the salesman should be entitled to unearned commission.

171. Labour has claimed the same leave for the factory worker as for the clerical staff. But that is not possible.

#### CLAIM No. 11—HOLIDAYS

172. Labour asks that holidays as observed by the office staff shall be extended to the salesmen and the vanmen; that local holidays as declared by the District Magistrate from time to time shall also be granted, that May Day should be observed as a paid holiday at all centres.

173. I accept the contention of the employers that it will affect their competitive capacity if the salesmen and vanmen are given the same holidays as are observed by the office staff. It has to be appreciated that it is the function of the salesman to secure and safeguard his hold on his market. Every holiday gives an opportunity to a competitor to muscle in. It would therefore be unwise to extend the number of holidays of the salesmen and it is doubtful if the salesmen themselves would benefit thereby. This claim cannot be allowed.

174. The holidays in the factories are more than what is to be found generally elsewhere. There are some differences in the holidays of the five factories. For instance Hide Road Factory has 9 paid holidays in the year; Coimbatore has 6 fully paid festival holidays and 9 days without pay and with full dearness allowance, Ghatkesar 9 days on full pay and dearness allowance and 5 days on no pay and dearness allowance, Kanhan has 14 days festival holidays fully paid; and Jamnagar has seven days on full pay and dearness allowance and 8 days without pay but with dearness allowance. It must be realised that matters like leave have proceeded on the basis of the total benefits and I am not prepared to extend these festival holidays or the terms. As regards May Day being a paid holiday, the Works Committee may select May Day as a festival holiday within the total holidays allowed, but they cannot expect an additional paid holiday on the 1st of May.

#### CLAIM No. 12—HOUSE RENT

175. This issue has not been pressed.

#### CLAIM No. 13—LIFE INSURANCE

176. This issue has not been pressed but labour asks that provision be made in the gratuity scheme for the payment of Rs. 5,000 to an employee who dies while in service. This question does not arise here and it has not been allowed under the gratuity scheme.

CLAIM NO. 14—MEDICAL AID

177. The first claim is that all medical facilities should be provided for the employees and their dependents, and the cost, including doctor's fees, patent medicines and injections should be borne by the company.

Secondly that if an employee is involved in an accident or injury while on duty all medical expenses should be borne by the company for the period of confinement as a result of accident or injury and it shall be treated as extra sick leave not to be offset against the sick leave entitlement. Thirdly, the company should make arrangements for a special grant and T.B. beds in all the hospitals. It is not possible for the company to reserve beds in hospitals as it will be too big a proposition. As regards accidents, when they do unfortunately happen the Workmen's Compensation Act takes care of the injured person.

178. As regards medical relief, each factory has a dispensary manned by a doctor. In Jamnagar and Kanhan there are part-time doctors, but in Hide Road, Coimbatore and Ghatkesar there are permanent doctors and expensive drugs also are given to the workers. The Industrial Tribunal, Nagpur (exhibit K) held that treatment should be given to the employees and members of their families at the company's hospital at Kanhan. At the head office there is a part-time doctor. The branch offices being very small, it is not practicable to have a doctor for about 15 persons. The scheme of 1957 provides for medical aid to the extent of half month's basic salary. It applies to all the employees except the factory workers who have their doctors. The company makes small grants as *ex-gratia* payments in cases of prolonged illness. In Hide Road the sick relief scheme has been given under an award. In Ghatkesar by an agreement of 31st July 1958 sickness relief benefit scheme has been given. The concern contends that it is not possible to treat families who live at a distance from the factories, and as the dispensary forms part of the factory it is not a feasible proposition to treat the dependants of the workmen at these dispensaries. The branch offices are in towns with Government hospitals. Calcutta, Coimbatore and Jamnagar have hospitals. In Kanhan and Ghatkesar the hospitals are about 12 miles away. The concern states that if the Employees' State Insurance Scheme becomes applicable to them they will be winding up their medical aid. No orders are necessary under this issue.

CLAIM NO. 15—UNIFORMS TO SUBORDINATE STAFF

179. The claim is that the subordinate staff peons, godown men, vanmen, sweepers, watchmen, drivers, etc., shall be supplied with two summer uniforms and one winter uniform every year. Summer uniform shall consist of one cap, one bush shirt and one pant, and the winter uniform shall consist of a woollen coat, pants and a cap. In addition to the above uniforms they should be supplied one pair of shoes every year. Employees performing outdoor duties shall be supplied with rain coat and gum-boot during the rainy season. The concern says that if uniforms are required for a particular job in which clothes are subjected to more than ordinary wear they are provided. In the factory everybody is given uniforms. Drivers, watchmen, peons, vanmen and godownmen and sweepers are given uniforms. Salesmen are not given uniforms. Normally two uniforms are given and the company itself does the washing; when torn new uniforms are given. No shoes are given. For heavy monsoon areas the company gives rain protective clothing allowance once in three years—Rs. 35 for salesmen and Rs. 20 for vanmen. Vanmen in the North are given a woollen jersey which the company says is sufficient for his work. Vanmen go about without shoes. I am satisfied that uniforms are given to the staff wherever required and there should not be any complaint on that score. The salesmen are not given uniforms because of their standing and their work. There is however force in the complaint that the protective clothing allowance has not been given to all who were entitled to it in the monsoon areas, and instances have been brought to my notice where with the prevalence of heavy monsoon this protective clothing allowance has not been paid. I direct that the protective clothing allowance as now given should be paid in all areas where the average rainfall is more than 25 inches per year. Vanmen in the cold North should be given a warm coat every 4 years instead of the woollen jersey and like all other uniforms it will be kept at the depot when not on company's work. Vanmen should be given a pair of chappels once in six months provided that they were then on duty. It is directed accordingly and no other orders are required on this issue.

## CLAIM NO. 16—DEPOT REQUISITES

180. This issue asks that depots should be provided with tables, chairs, gum-paste, brooms, earthen pot, cash bag, grease for vans, brushes for pasting, adequate number of pencils, holders, carbons, nibs, blotting papers and other stationery. There is no reason to think that these articles are not supplied in fair quantities, but if not supplied the company should at least provide the basic amenities like, tables, chairs, gum, grease for van, carbons, pencils etc. such as are required for the work of salesmen and vanmen.

## CLAIM NO. 17—GENERAL

181. (a) It is claimed that all employees shall be supplied tea for their domestic consumption at 50 per cent concessional rates. They are at present allowed to buy the tea at dealer's prices and the company is not prepared to grant any other concession because on every lb. of tea which is packed it has to pay an excise duty. I doubt if this issue is an industrial dispute and in any even I cannot grant the claim.

182. (b) It is urged that employees suffering from T.B. or prolonged illness shall be allowed special leave with wages during the period of their illness. Neither T.B. nor prolonged illness is peculiar to this factory and as I have already said the incidence of T.B. is no higher in this concern than in the surrounding areas, and the suggestion that work in the tea factories causes T.B. has been negatived. The company is kind to its employees suffering from T.B. and other long illness; suffering persons are kept on the rolls after exhausting all leave including liberal sick leave to which they are entitled. The employees get their bonus and leave as if they had worked, and many T.B. persons have returned to work and have been allotted lighter duties on account of their weakened condition. Having regard to these facts no orders are indicated on this issue.

183. (c) This claim requires that the company should recruit persons for performing the duties of despatch clerks, and the typists should be relieved of this duty. Ordinarily the typists and the despatch clerks are separate individuals in the offices of this concern. There are however cases where the typist has little work to do and in his spare time he does despatch work, and wherever work justifies it the company has an invoice-typist-cum-despatch clerk. In actual practice the invoice typist types invoices for the depot according to the Branch Manager's instructions and has little else to do; the godown keeper generally writes the invoices. Thus this typist is given the work of a despatch clerk also, and in spite of it the company says that he has a lot of idle time. This claim cannot be granted.

184. (d) This issue requires that the company shall provide facilities to all employees to take loans without interest to the extent of three months' emoluments for the purpose of marriage, construction of houses etc. I doubt if this is an industrial dispute, but in any event this issue cannot be granted. There is a savings fund and the balances therein could be utilised upon the terms and conditions therein specified.

185. (e) This issue asks for an order that the company shall appoint adequate number of employees for office as well as for field staff. There are sufficient number of relief salesmen to relieve the permanent salesmen. As regards the office staff, if they follow a disciplined programme of annual leave, work would not be disturbed, and as I have said before they must reply to the company's questionnaire at the beginning of every year as to their leave requirements for the year. There is no need for relieving clerks. Two branches in Delhi, one in Ambala and one in Allahabad, were each given temporarily an extra clerk, but it was due to particular circumstances, and it looks as if these were moves by the staff to increase the scope of employment and to relieve them of some part of their legitimate work. Furthermore there is no overtime work in any of the branches.

186. (f) Not pressed.

187. (g) By this issue labour claims that there should be no transfers without the consent of the employee and that in no case should the nature of the work of the transferred employee be changed. Furthermore on transfer an employee shall be entitled to railway fare as per the rules of the company for himself and all his dependants irrespective of their age in addition to other expenses allowed under the rules; the transferred employee shall also be entitled to three months' total emoluments on his transfer and shall be allowed seven days joining period.

188. As regards the first part of the issue that there should be no transfers without the consent of the employee, this is not a feasible proposition. The company must have the right to make transfers for exigencies of their work.

189. According to the terms and conditions of service the employee's liability to transfer has been made quite clear. It is however obvious that if a salesman is made a Controller the job is changed, and if a salesman wants a clerical job then too he is accommodated, and transfers become necessary. As regards the differences in dearness allowance, that is inevitable according to the cost of living indices both in the case of clerks as well as in the case of salesmen. No case of transfer by way of victimisation has been suggested, and it is significant to note that in 1957-53 out of 207 transfers in an area only 93 were made by the company for exigencies of service and the rest were on account of promotion, own request or health reasons.

190. As regards railway fare the company pays for the employee who is concerned, wife and children below 15 and for all personal belongings. Naturally the concern cannot be asked to pay for all the dependants. If a salesman is transferred it is generally within his branch area or region area; only on promotion he may be sent elsewhere; the general tendency is to gravitate towards the home town.

191. As regards the claim for three months' total emoluments on transfer, the transferred person is given Rs. 5 or Rs. 3 per day for a period of four weeks if they are salesmen and controllers, or for a month in case of others, for the purposes of rehabilitation in the new place. As to the salesmen's commission, it is made up to the average earnings of 6 months commission in previous appointment for three four weekly periods, and in deserving cases it is extended. In my view the solatium of Rs. 5 and Rs. 3 paid per day to controllers and salesmen is sufficient. As regards the 7 days joining period, it is said that in practice there is no joining time but a month's prior notice is given to the transferee to enable the employee to settle his affairs. No orders are indicated under this issue.

192. (h) This issue requires that the company shall appoint all vanmen on a permanent basis and all the present vanmen appointed on weekly basis shall be made permanent in the service of the company. The fact is that all vanmen are permanent employees. When salesmen go outside the depot area they generally engage a mazdoor and he is paid by the day. In some cases they are paid weekly if engaged for the whole week. If a salesman goes three days out, the vanman is not without work for the three days for he attaches himself to work at the other depot. There is no vanman in a chhota depot. Chhota depot is under a salesman but it is locked up in his absence. The salesman keeps some tea in the chhota depot for his convenience. There is no doubt that the company selects from amongst the fixed mazdoors for permanent vanmen and that is right. There is thus no basis for this claim.

193. (i) This claim says that the clerical staff working in factories shall be paid a special pay equivalent to 25 per cent of their total emoluments for their working of 48 hours a week against 36 hours in head office and branch offices and 45½ hours in Hide Road factory. No office clerk is converted into a factory clerk and there is no interchangeability at all. It is true that in the case of the Nizam Sugar Factory there is an award in Industrial Dispute No. 20 of 1954 where the Tribunal allowed 1/8th extra pay and dearness allowance for the period the clerks worked in the factory. That award presupposes that the nature of the work and the scale of pay are the same in the factory and the office of that establishment, and that therefore the clerk putting in extra hours of work in the factory should be given extra allowance for that period, and the amount involved was nothing much. It is however clear that the clerks in the factories here do work of a character which is a less responsible and less onerous than in the office. For instance, they do simple jobs like counting chests, and most of the clerks have been promoted from packers and mazdoors. In the Hide Road factory packers, mazdoors, cooks of canteens, store boy in Head office, trainee mistries, have become factory clerks. When factory clerks are required a simple test is given to them. A similar claim as in this issue was made by Kanhan but was declined by the Industrial Tribunal at Nagpur (exhibit K). It has been held by the Labour Appellate Tribunal that where the office clerks and the factory clerks are not interchangeable and their duties and responsibilities are different the factory clerk is not entitled to any special allowances because he works the factory hours, on the basis that at the time of his appointment he knew the differences and had agreed to work these hours. I am satisfied that the duties and responsibilities of a factory clerk in this concern are lower than

those of the office clerks, and in fact it has been asserted without challenge that when field workers want a light job on account of health they are made factory clerks. The factory clerks also enjoy certain advantages *vis-à-vis* the office clerks; they get the free medical service of the factory; they get the advantages of subsidised canteen; on night shift they get free tiffin and free tea twice (and free milk once in Hide Road factory); in Ghatkesar the factory clerks get free transport from Secunderabad. Labour has contended that under exhibits 111 and 112 the company admitted its liability to pay more for the factory clerks; but that is not correct; those were conciliation proceedings and did not ripen into any agreement.

194. (j) This issue relates to contract labour and it is urged by labour that the system should be abolished and that all the workmen who are now temporary labourers or on contract basis for more than three months should be made permanent in the service of the company.

195. This concern has no contract labour. They have casual labour to deal with seasonal intensity of work and they are paid by the day. But they are not put on any processes of tea packing and are used mostly for loading and unloading, nor has the company made any retrenchment. Labour complains that box making work has been given to contractors. It is correct that in the past shooks were supplied by some suppliers and boxes were assembled in some of the factories. The boxes have however been supplied from outside for over 10 years, and it has not affected the workers, as they have been able to earn more out of the remaining work in the box department. The company admits that boxes are sent out to be strapped when there is a sudden demand, but road transport is now being largely utilised, and does not require the strapping of cases as in the case of the railways where each case has to have two straps in order to avoid repudiation of liability. The company is now making collapsible cases for which shooks are supplied but the boxes are made in the factory. The main point is that there has been no reduction of earnings of the box department people and the partial change over has been effected many years ago and was the inevitable result of the difficulties the company was experiencing in that box department. It is the complaint of the company that the box department workers are the best paid and the least disciplined, but assembling, cooping and stacking still continues as before. In Coimbatore in 1953/1954 the box department was closed but the workers were not retrenched; they were otherwise employed. The company was obliged to close down the department because they could not get the boxes done as fast as was necessary.

196. As regards the claim that all workmen now temporary or on contract basis for three months shall be made permanent, this cannot be granted because there are daily fluctuations in the requirements of loading and preparing for transport at odd times to suit the requirements of the railways and road transport. Outsiders are inducted only for the purpose of meeting sudden and urgent demands and there is not in existence any scheme of 'permanent' casual labour. Even if temporary labour were required every day for more than three months, except in particular circumstances it would be quite unjustifiable to make them permanent. The issue is negatived, except that the mali and the two women workers of the compound must be deemed to be permanent employees of Jamnagar factory from the date of this award, if the records show that they were continuously in employment at any time for one year.

197. (k) This issue states that canteen facilities as are available to Head Office employees shall be extended to branch offices and factories. It is obvious that branch offices are much too small for canteens and that portion of the issue cannot be granted. The Head office as well as all the factories except Jamnagar have canteens which are heavily subsidised. The subsidies and the number of workmen in the different factories are given below:—

Factories	Amount of subsidy	No of workmen.
Hide Road	Rs. 1,76,000	1,127
Coimbatore	Rs. 35,264	473
Kanhan	Rs. 33,193	588
Ghatkesar	Rs. 15,313	480
Head Office	Rs. 52,021	322

In Jamnagar the new canteen building and kitchen have been completed and there are 268 workmen there. Two notices have been put up by the management there that the canteen is ready and asking the workers to nominate five persons to arrange the menu. The company has agreed to subsidise up to the extent of 30 per cent. of food materials plus all the establishment costs in running the canteen, but there has been no response except a letter from the union stating that the union should be consulted in these matters. It is unfortunate that the union is more concerned about its prestige than with the building up of a healthy trade union movement in the factory itself, and I can see nothing wrong in the concern asking labour to nominate five workers to co-operate in starting the canteen and in arranging the menu. As labour is not prepared to co-operate, the company should go ahead with the establishment of the canteen, provide the food, and if the workmen do not take fair advantage of the canteen the employers would be justified in closing it down. I think it is objectionable that where the concern comes forward to establish a canteen and to pay all the establishment costs and 30 per cent. of the cost of the food materials, the attitude of labour is so non-co-operative. As a Tribunal I wish to make it clear that it should be our endeavour to nourish a healthy trade union movement within the workers themselves, so that they may become self-sufficient and self-reliant and should not lean on outsiders for looking after all their affairs. Even by enactment there is a movement in that direction. In the present case it is ridiculous to imagine that in a small personal matter like the arrangement of a menu the workmen in the factory should find it necessary to call to their aid outsiders who are union officials to decide it for them. Labour contends that in Jamnagar this difficulty arose because of the presence of Shri Wadhvani who is the Administrative Officer there. There is no substance in that allegation. Shri Wadhvani gave evidence before me, and he was questioned on some of these matters; there is no doubt that there is a concerted move on the part of the workers against him; but that does not mean that Shri Wadhvani is at fault.

198. As regards the claim that all canteens should be subsidised to the extent of Hide Road, it must be appreciated that the Calcutta head office is in Dalhousie Square area, and that the same subsidy cannot be given everywhere. The subsidy of Hide Road factory is the result of its historical post, whereas under the Factories Act all canteens are supposed to be run on a no-profit and no-loss basis.

199. It is next urged by labour that a tiffin allowance should be given to branch office people. The branch offices are situated mostly in small towns and the personnel is locally recruited with their homes nearby. There is thus no assurance that the branch office people would take advantage of a canteen even if one was established.

200. Mr. Sharma asked that the Field Staff should also get something in lieu of canteen facilities; but he admitted that they had not asked for it.

#### STANDING ORDERS

201. The claim is that the standing orders should be revised and/or in consultation with the Federation and a copy of the standing orders should be supplied to the workers on demand. The claim is vague and therefore this Tribunal called upon labour specifically to give particulars. They took time and filed a statement of claim, the relevant item being item (c) of page 13 of their statement of claim. At the hearing labour put forward certain points for consideration.

202. Each factory has its own standing orders except in Jamnagar where the company applied for certification of standing orders five years ago, and nothing has yet been done. Jamnagar therefore follows the model standing orders. Labour says that it has not been able to specify changes in the standing orders because they did not have copies. The employers point out that whenever an employee is appointed he is given a copy of the standing orders and the clerks, salesmen, etc., are given an appointment letter which contain the terms of service of all except that of the factory workers. Therefore labour should have had no difficulty in getting copies of the Standing Orders from the workmen whose members run into thousands.

203. Labour asks for a suspension allowance for the head office and branch offices but the concern states that they do not impose suspension as a form of punishment. There is however suspension pending enquiry, and if such an enquiry is unduly prolonged the workman is placed at a position of disadvantage.

The company says that the enquiries are expeditious. That may be so but the workmen need specified protection. Therefore I direct that while the enquiry should be expeditious, the company shall pay to the employee one-fourth basic wages and dearness allowance during the period of suspension, unless the employee himself is responsible for the delay, or has placed himself in such a position that delay is occasioned, as for instance where he is held up by the police.

204. The next point raised by the union is to the effect that a representative of the union should be permitted to assist the worker in the domestic enquiry. At present the workman is allowed to nominate a workman from his department to assist him at the enquiry and outsiders are not allowed to come. Lawyers are not allowed to appear. I direct that an employee may have the benefit of the assistance of any employee in the factory even outside his department to assist him in the enquiry. It is however not possible to direct that a lawyer should be allowed to appear for the workman because this is essentially a domestic enquiry. And for the same reason no outsider who is a member of the union will be eligible—for it must be our endeavour to make the factory union a composite and self-reliant and self-contained unit. A record of the enquiry is kept in English but the proceedings are conducted in the language of the employee concerned and there are interpreters. Except as stated above, no other orders are necessary.

205. Labour has also raised the question of recognition of unions but no claim has been raised on this point. The company takes the view that recognition should be earned and not forced, and they have recognised the unions at Kanhan, Ghatkesar and Jamnagar. No orders are necessary on this point.

206. As regards Hide Road Standing Orders attention is drawn to the provision that the engagement of a worker may be terminated if the medical officer finds that he is medically unfit or is carrying an infection which may be a source of danger to other workers or of contamination to the goods produced by the company. Labour wants that the term 'medical officer' should be replaced by 'District Medical Officer' but there is no such person in Calcutta, and therefore no question of change arises.

207. As regards clause 2(c) of exhibit ACA (Hide Road Standing Orders) labour wants 30 days notice for all permanent workers who are monthly paid; but if the enactment says so, the company must act accordingly, and no change is indicated. Labour next wants the reasons for discharge to be recorded as in Coimbatore, where it is provided that "the reasons for the termination of service shall be recorded in writing and shall be communicated to the workmen if he so desires at the time of discharge". The company in practice does so, but not in the case of probationers, and there can be no complaint on this head.

208. Labour has attacked the Standing Orders of Hide Road factory on the subject of attendance and late coming. Clause 8 had been altered by the West Bengal Industrial Tribunal's award and now labour asks that the West Bengal award may be altered so that a late comer may be placed in his own gang. But it must be remembered that as a result of the West Bengal award lateness dropped by something like 75 per cent. The Hide Road workers made a direct attempt to get the West Bengal award reversed on this question of attendance and late coming, but the West Bengal Government refused to refer the matter to adjudication. In my opinion the West Bengal award should not be disturbed. It is in accordance with well established principles and has in practice worked well. As to the specific point raised by labour, it must be remembered that when a workman arrives late his place in his gang has already been filled, may be by a workman who normally earns less on some other line, and the latter will naturally object to being sent down. Tribunals are only too conscious of the indiscipline of late coming, and if things are made easy for those who are late, indiscipline multiplies. I am not prepared to alter the West Bengal Industrial Tribunal's award on this issue.

209. As regards standing order 13 of Hide Road factory labour wants indecent behaviour and riotous or disorderly behaviour to be removed from among the major misdemeanours. This cannot be allowed.

210. It is evident that in standing order 13 at page 7 in the sentence beginning "A worker may at the discretion of the company be discharged without notice or any compensation in lieu of notice if he is found to be guilty of a major misdemeanour", should read as if the word "dismissed" was substituted for the word "discharged", and there is no dispute on this point.



211. Labour next wants deletion of the last paragraph of standing order 14 which says that if the factory manager considers that the complaint of a workman is frivolous or deliberately designed as an annoyance to the factory manager he may charge the worker with committing a minor misdemeanour. The company points out that only recently they had the case of a man repeatedly approaching the factory manager with untenable complaints; labour says that the workman in question was insane but I see no reason to eliminate the last sentence from standing order No. 14.

212. Hide Road standing order No. 18 has given rise to some controversy. It is not in dispute that the last word "dismissal" should read as "discharge" and an alteration to that effect will therefore be made. But labour wants that the period of 14 days should be exclusive of holidays falling in between. This would be contrary to the very intent of this standing order and I am unable to allow it. But on the other hand natural justice demands that even though automatic discharge has come into operation, the employee must have a chance of satisfying the management that he was prevented by just cause from complying with the provisions of the standing order, and I would therefore add at the end of standing order 18 as follows:

"It shall be open to the employee whose services have been thus automatically terminated to satisfy the management without any delay that he was unavoidably prevented from giving notice of absence as provided by this standing order and that he was unavoidably prevented from attending to his work during the period of his absence."

In Hide Road as to standing order 13 labour wants that the management should distinguish between action justifying immediate discharge and those where discharge should be preceded by a warning, reprimand, suspension or some other form of disciplinary action and also that there should be an appeal to the higher management. There are certain offences which are punishable with dismissal even where they have been committed for the first time, and there are other offences where the punishment may be less than dismissal; but these matters are questions of fact for the management to consider and no hard and fast rule can be laid down. It cannot be said for instance that a man must have been guilty of theft not less than three times before he can be dismissed.

213. As regards the suggestion of labour that there should be an appeal to the higher management from an order under standing order 13, it is the inherent right of a workman to appeal to the higher management against an order under standing order 13.

214. It is urged on behalf of labour that the following proviso which appears in the Coimbatore Standing Orders should be introduced in all standing orders namely: "reasons for the termination of service shall be recorded in writing and shall be communicated to the workman if he so desires at the time of discharge". As I have said before the company says that in practice they do it.

215. Labour next wants that item 13(b) of the Coimbatore Standing Order should be eliminated; "striking work or inciting others to strike work with another or others in contravention of any lawful and reasonable order of a superior," and it is urged on behalf of labour that it is a denial of the right to strike. It is however clear that the right to strike is not unfettered, and it may be lawful or unlawful and justified or unjustified according to the circumstances. Furthermore this standing order has particular reference to a strike in contravention of any lawful or reasonable order of a superior and does not refer to the generality of strikes. Therefore there is no call to eliminate standing order 13(b).

216. Standing Orders 14 and 18 in Coimbatore are on the same lines as the standing orders of Hide Road and what I have directed in respect of Hide Road will apply to both of them.

217. Labour has not pressed for any change in the standing orders of Ghatkesar or Kanhan.

#### MISCELLANEOUS

218. A contention has been raised that the rate of dearness allowance of the Ghatkesar monthly rated staff should be the same as that of Madras, Bombay, Delhi and Ahmedabad. Labour contends that Hyderabad and Madras are equally costly. The concern however has put Bangalore and Secunderabad on the same

footing. There is the letter of the Director, Labour Bureau, Simla, which throws some light on the subject and I am unable to accede to this claim.

219. Labour next states that in Hide Road factory the earnings of the workers on piece-rate are taken for the purposes of contributions to provident fund, and they contend that the incentive earnings of the four mofussil factories should also be taken in calculation of provident fund contributions. The general principle is that provident fund contributions should be calculated on the emoluments of an employee consisting of basic and dearness allowance. In the case of the Hide Road factory there is no separate basic and dearness allowance for the operatives; there is the piece-rate earnings and the dearness allowance and these are calculated for the purposes of provident fund. In the case of the four mofussil factories, each has a basic pay and dearness allowance, and the incentives are an addition to such emoluments. In the incentive scheme which was given to the Bombay Dock and Stevedore labour, the incentive part of it was not taken into consideration in the calculation of provident fund contributions. The piece-rates of this concern in Calcutta have proceeded on their own from the very first and many a concession has been given to the Calcutta workers which other workers in the region do not receive. In these circumstances I will not be justified in directing that the incentive earnings of the mofussil factories, which are apart from basic and dearness allowance, should be taken into account in the calculation of provident fund contributions.

220. There is the further claim of labour that I should categorise the various workers into unskilled, semi-skilled and skilled, and that their scales should be accordingly fixed. I do not think any useful purpose would be served thereby in the factories of this concern. The work in a tea factory is such that there are small gradations between certain workers, and those gradations have found their counter-part in the emoluments which have been given to them. There is no doubt that some of the engineering workers are semi-skilled and other are skilled; and their wages have been accordingly fixed; but the bulk of the workers in the factory do work of more or less same intensity and dexterity. It is difficult, and in fact not desirable in these circumstances to embark on categorisation, and no useful purpose would be served even if I did so. The Hide Road factory is almost entirely piece-rated, and all the other factories have a scale plus dearness allowance and an incentive scheme, and these incentive schemes are allied to different lines of production; and to the best of my ability I have seen to it that a worker is properly paid for the work that he does. So far as the piece-rates are concerned they have obviously been fixed so that by a good average production good emoluments are secured, and the criterion is the work done irrespective of technical categorisation. This has succeeded and has worked well, and the emoluments earned are certainly good. By categorising them will not improve their position if they are already well paid. There is also the system of interchangeability as a result of which enforced idleness is avoided, and categorisation as claimed might well result in fresh thinking on the subject, and that will not be to the interest of labour.

221. There are three matters which now require attention, and they are adjustment, retrospective effect, and costs. The question of adjustments takes me back to the year 1956 when the company for the first time provided scales (not for the factory workers) and simultaneously have a scheme for fitting in the existing employees into the new scales; at that time they gave certain weightages which were quite generous except for a provision to the effect that "service means service in the grade." This had the effect of limiting the practical effect of the weightages which had been given. In schemes of weightages the years of service of an employee are calculated upon the total length of continuous service in jobs which constitute a line of promotion and that principle should be applied. For instance, a line of promotion would be from the relief salesman to salesman, controller, assistant branch manager, branch manager, and higher up. Thus in this case of a controller the previous service from the time that he was a relief salesman in the company would have been taken into consideration. Similarly the line of promotion from the typist would be to the Stenographer. I would therefore direct that as a first step in adjustment the application of weightages as given in the circular of the company on the introduction of the pay scales in April 1956 should be freshly assessed, and all employees who have not previously benefited by reason of the "service means service in the grade" clause should be given their proper due. Subject however to this condition that the weightages shall be so altered that there shall be a ceiling of four increments, and nobody who has received more than this ceiling by reason of the past application of the weightages shall be affected.

222. After such adjustment has been made, there will have to be general adjustments on account of the advances given by this award and they will be as follows:—

1. The amount of Rs. 10 for four weeks which the salesmen and relief salesmen have been receiving as "all India incentive" will now form part of their basic pay, and all of them will get an increase of Rs. 10.
2. The daily rated engineering personnel in Calcutta factory who have now received increases in their basic scales shall be fitted into the new scales in the following way:—They shall be placed in the new scales at the stage equivalent to their present basic and if it falls within two stages, then at the higher stage, and they shall be given one increment for every four years of service; retrospective effect from 1st April 1957.
3. A sum of Rs. 10 shall be added to the basic pay of each of the vanmen and a sum of Rs. 4 shall be added to the basic pay of peons.

223. As regards the clerks and stenographers and others who will receive promotions to higher grades as a result of the percentages fixed by this award, they will be appropriately fitted by the company into the higher scales by being placed in the new scale at a stage equivalent to their present basic, and if they fall within two stages they will get the higher stage. It is however directed that where such a person on being as promoted to a higher grade is already drawing the maximum of his existing grade, he will receive an advance of one increment in the higher grade apart from being fitted into that stage in the new grade to which his present emoluments entitle him.

224. I must now give a scheme of dearness allowance for the workers of the Jamnagar factory who at present have a fixed dearness allowance. There are some difficulty in this case in linking the dearness allowance of Jamnagar with the dearness allowance of Ahmedabad, and I do not think it would be desirable to pursue that aspect. I think it will be more reasonable having regard to the general trend of dearness allowance to ally the dearness allowance of Jamnagar to the All India Working Class Consumer Price Index as published by the Government of India. This index has base year 1949=120 and thus today's index will be 440. I would therefore direct that today for the 10 point block 431 to 440 the dearness allowance for the Grade II and Grade III workers will be 21 nP. per hour. For every variation of 10 points either way (441 to 450 or 421 to 430) the adjustment will be plus or minus .5 nP. per hour.

225. Labour has asked for costs. The employers say that each party should bear its own costs as both parties have applied for a National Tribunal. It is however reasonable to apply the usual principle that costs should follow the event. Labour states that they have incurred expenses to the tune of Rs. 30,000, that 10 representatives of the five factories were present at the hearing, and that their travelling and daily expenses should be allowed. The representation of labour was more than was necessary.

226. This subject of costs is not a simple matter in this case. Labour has succeeded in some of its contentions and to a substantial extent. On the other hand labour had made excessive claims, some which were untenable and others were not pressed. The progress of the adjudication cannot be said to have been kept within reasonable limits even taking into account that the Head Office and five separate factories were concerned. Taking all factors into consideration, I direct that the employers shall pay Rs. 6,000 as costs to the unions.

227. Although the question of the superannuation fund does not arise out of the issues, I feel that I must advert to this subject for no other reason than to commend the superannuation fund which has been introduced by the concern from 1st July 1948. By the terms of this fund a retiring workman may leave his accumulated provident fund (subject to a maximum sum approved by the company and a minimum specified in the scheme) on deposit with the company at 4 per cent. interest per annum or a member may withdraw part of his accumulated provident fund for rehabilitation purposes and leave the balance on deposit with the company at 4 per cent. interest per annum. In either case the company by the scheme has offered to divide the capital sum left on deposit by the member by the number of years' expectation of life (calculated from actuarial tables) of that member plus full interest at 4 per cent. per annum on the reducing capital and to pay such sums out yearly in twelve equal payments to the

member provided the original amount deposited is not less than Rs. 3,500. Furthermore the company agrees to continue paying a sum equal to the last annual instalment for each year or a proportional rate for part of the year if a member lives beyond his expectation of life. In the event of a member dying before his expectation of life expires, any balances standing to his credit in the superannuation fund deposit account shall be paid to his legal representatives as specified according to the provident fund rules and regulations.

228. I am drawing attention to this superannuation fund because in my opinion it is a sound scheme for the advantage of the workmen when they retire and it is a scheme which could safely form the nucleus of similar schemes for post-retirement benefits of labour.

#### CONCLUSION

229. This National Tribunal was obliged to give the parties considerable latitude in presenting their cases, and the parties have not hesitated to explore every aspect of the problems. If I have not dealt with each and every argument that was raised, it does not mean that I have not considered them, and indeed in some cases a detailed discussion would not be fruitful.

230. It has been a long and complex adjudication. The principal unions asked to be allowed to address the Tribunal separately, and I allowed them to do so in the expectation that they would not traverse the same ground; and there has been a complete consideration of their problems. Shri Sundaram has presented the company's case with clarity, and both he and Mr. Burroughs readily placed before the Tribunal all facts and figures and calculations which were relevant to the enquiry and helpful in coming to conclusions. The hearings were marked by a refreshing spirit of investigation. I was particularly impressed by the assurance of labour that they would on their part wholeheartedly endeavour to induce the workers to make full use of the incentives.

231. Save and except as hereinbefore expressly provided, no other changes are made concerning the issues referred. Retrospective effect shall be given as directed, and all other changes in this award shall take effect as and from 1st April 1959.

232. Now, therefore, I make this award accordingly.

(Sd.) F. JEEJEBHOY,

Presiding Officer,  
National Industrial Tribunal,  
Bombay.

BOMBAY;  
The 9th June, 1959.

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#### GOVERNMENT OF INDIA

#### MINISTRY OF LABOUR AND EMPLOYMENT

#### ORDER

*New Delhi, the 5th July 1958*

S.O.—Whereas the employers in relation to the management of Messrs. Brooke Bond India Private Limited with Head Office in Calcutta and their workmen represented by the All-India Brooke Bond Employees' Federation, Delhi, have separately applied to the Central Government for reference to a National Industrial Tribunal of an industrial dispute in respect of the matters set forth in the said applications and reproduced in the Schedule hereto annexed;

And whereas the Central Government is of opinion that an industrial dispute exists and that the dispute is of such a nature that industrial establishments situated in more than one State are likely to be interested in, or affected by the said dispute;

Now therefore, in exercise of the powers conferred by Section 7B and Sub-Section (1A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a National Industrial Tribunal with Shri

F. Jeejeebhoy, Chairman, Labour Appellate Tribunal as the Presiding Officer, with Headquarters at Bombay, and refers the said dispute to the said National Tribunal for adjudication.

SCHEDULE

Matters of dispute (Attached).

(Sd.) K. D. HAJELA,—4-7-58.

Under Secy.  
[LR-IV-17(1)/58.]

GOVERNMENT OF INDIA

MINISTRY OF LABOUR AND EMPLOYMENT.

ORDER

*New Delhi, the 11th July 1958*

S.O.—In exercise of the powers conferred by Sections 7B and 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following amendments to the Order of the Government of India in the Ministry of Labour and Employment No. S. O. 1380 dated the 5th July, 1958, namely:—

In the said Order,—

(1) For the second paragraph, the following paragraph shall be substituted namely:—

“And whereas the Central Government is of opinion that an industrial dispute exists and that the dispute is of such a nature industrial establishments situated in more than one State are likely to be interested in, or affected by, the said dispute,”

(2) In the third paragraph, for the words, brackets and figures “and sub-section (2) of the section 10”, the following shall be substituted namely:—

“and sub-section (1A) of Section 10”.

(Sd.) K. D. HAJELA,—11-7-58.

Under Secy.  
[LR-IV-17(1)/58].

GOVERNMENT OF INDIA

MINISTRY OF LABOUR AND EMPLOYMENT.

ORDER

*New Delhi, the 11th July 1958*

S.O.—In exercise of the powers conferred by Sections 7B and 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following amendments to the Order of the Government of India in the Ministry of Labour and Employment No. S. O. 1380 dated the 5th July, 1958, namely:—

In the said Order,—

(1) For the second paragraph, the following paragraph shall be substituted namely:—

“And whereas the Central Government is of opinion that an industrial dispute exists and that the dispute is of such a nature that industrial establishments situated in more than one State are likely to be interested in, or affected by, the said dispute;”

(2) In the third paragraph, for the words, brackets and figures “and sub-section (2) of section 10”, the following shall be substituted namely:—

“and sub-section (1A) of section 10”.

2 The amendments hereby made shall be deemed to have taken effect on and from the 5th July, 1958.

(Sd.) K. D. HAJELA,—4-7-58.

Under Secy  
[LR-IV-17(1)/58]

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT.

ORDER

*New Delhi, the 5th July 1958*

S.O.—Whereas the employers in relation to the management of Messrs. Brooke Bond India Private Limited with Head Office in Calcutta, and their workmen represented by the All-India Brooke Bond Employees' Federation, Delhi, have separately applied to the Central Government for reference to a National Industrial Tribunal of an industrial dispute in respect of the matters set forth in the said applications and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said All-India Brooke Bond Employees' Federation represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by section 7B and sub-section(2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a National Industrial Tribunal with Shri F. Jeejeebhoy Chairman Labour Appellate Tribunal, as the Presiding Officer, with headquarters at Bombay, and refers the said dispute to the said National Tribunal for adjudication.

SCHEDULE

Matters of dispute (attached).

(Sd.) K. D. HAJELA, —4-7-58.  
Under Secy.  
[LR-IV-17(1)/58].

MATTERS SET FORTH IN THE APPLICATION OF ALL-INDIA BROOKE  
BOND EMPLOYEES' FEDERATION

1. Pay Scales for all categories of workmen employed in various establishments and factories throughout the country.
2. Adjustments of present emoluments into the new Pay Scales.
3. Dearness Allowance.
4. Rules of promotions.
5. Other allowances such as Special allowance to Relief Salesmen, Night allowance, Walking allowance, Driving allowance, Officiating allowance, Maintenance allowance, Machine allowance, Diem allowance and so on.
6. Gratuity.
7. Provident Fund.
8. Working Hours.
9. Bonus for the years 1954-55, 1955-56 and 1956-57.
10. Leaves of different kinds.
11. Holidays.
12. House Rent.
13. Free Life Insurance.
14. Free Medical Aid.
15. Uniforms to Sub-Staff.
16. Depot Requisites.
17. Supply of Tea at reduced rates to the employees.
18. Special leaves to employees suffering from T.B. or other prolonged illness.
19. Appointment of separate Despatch Clerks.
20. Facility of paying advances to the extent of 3 months' salary to employees for certain purposes.
21. Appointments of Relieving Hands.

22. Fixation of Minimum Commission to Salesmen.
23. Transfer Rules.
24. Making the present casual vanmen as permanent one.
25. Special Pay to the Clerical Staff in factories.
26. Abolition of Contract Labour.
27. Canteen facilities.
28. Standing Orders.
29. Retrospective Effect to the demands.

## MATTERS SET FORTH IN THE APPLICATION OF MESSERS BROOKE BOND INDIA PRIVATE LIMITED.

### CHARTER OF DEMANDS

All the Demands detailed below shall be equally applicable to all the workmen of Messrs. Brooke Bond India Private Limited employed anywhere in India.

#### DEMAND NO. 1—PAY SCALES

The Company shall introduce the following pay scales for the different categories of workmen:

Rs.

- |   |                           |
|---|---------------------------|
| (a) Clerks, Typists and Salesmen . . .                          | 130—10—230—12—350—15—410. |
| (b) General Clerks, Cashiers & Godown keepers & Comptists . . . | 150—10—250—15—340—20—440  |
| (c) Chief Clerks & Controllers . . .                            | 200—15—275—20—375—25—500. |
| (d) Stenographers . . .   | 175—15—280—20—400—25—500. |
| (e) Vanmen, Peons, Godownmen & Sweepers etc. . . . .            | 60—5—150.                 |
| (f) Drivers . . . . .   | 100—6—160—8—200—10—250.   |
| (g) Carpenters Electricians, Tea-boys & Cooks . . . . .         | 75—5—100—6—130—8—170.     |

#### Factories

- |   |  |
|---|--|
| (a) Skilled workers including Drivers . . . | Rs. 100—6—160—8—200—10—250.  |
| (b) Semi-Skilled . . . . .                  | (i) Bag operators, Weight checkers, Box-assemblers, Printing operators and Engine attendants<br>Rs. 80—4—120—5—145—6—175.<br>(ii) Packers, Blenders, Bulklers, Cooks and Malis etc.<br>Rs. 75—4—115—5—140—6—170. |
| (c) Unskilled Labour . . . . .              | All Ordinary labour.<br>Rs. 60—4—100—5—150.  |

#### DEMAND NO. 2—ADJUSTMENTS

All workmen shall be fitted in the above pay scales as and from the date of their appointments and shall be paid as increments as the number of years of service they have put in, warrants i.e., the adjustment shall be made on the point to point basis. Such of the employees as are getting more than the salaries they would get after adjustment on the point to point basis shall continue to get the same salary as also shall continue to get their annual increments as usual and the additional amount shall be treated as his personal pay.

#### DEMAND NO. 3—PROMOTIONS

There shall be no direct recruitment to the next higher scales posts unless no suitable person is available from among the existing employees. The vacancies in the next higher grades shall be filled in from among the existing employees by way of promotion on the basis of the results of competitive examinations organised by the Company and/or in consultation with the Federation.

## DEMAND No. 4—DEARNESS ALLOWANCE

All the Salesmen shall be paid Dearness Allowance at the rate equivalent to the rate given to other employees of the Company. Minimum Dearness Allowance be fixed at Rs. 70.

## DEMAND No. 5—ALLOWANCES

(a) *Special Allowance to Relief Salesmen.*—All Relief Salesmen shall be paid Rs. 45 per month as special allowance instead of Rs. 18 and Rs. 25 now paid to unmarried and married Relief Salesmen respectively;

(b) The Night Allowance paid at present is inadequate and as such it should be increased on the following rates:—

1. Office Staff, Controllers and Godown Keepers, Rs. 10 per night.
2. Salesmen, Rs. 7 per night.
3. Van Men, Godownmen and Peons etc., Rs. 4 per night.

(c) All the Salesmen and Vanmen shall be paid food allowance at the rate of Rs. 2.50 nP. and Rs. 1.50 nP. per day respectively while they visit outstations.

(d) *Walking Allowance.*—All Salesmen shall be paid walking allowance at the rate of Rs. 0.37 nP. and Van Men Rs. 0.19 nP. per mile while they visit outstations where there is no proper arrangement of conveyance and the cycle allowance at the rate of Rs. 0.13 nP. per mile.

(e) *Daily Allowance to Relief Salesmen.*—The Daily allowance to Relief Salesmen shall be increased to Rs. 4 per day and shall be paid to them on Sundays and Holidays even at their headquarters.

(f) The Salesmen working on Motor Van shall be paid Rs. 80 per month as Driving Allowance.

(g) *Maintenance Allowance.*—Relief Salesmen who are required to work in place of Salesmen working on Motor Vans shall be paid Rs. 10 per period for maintaining of Licence.

(h) *Machine Allowance.*—Machine Allowance of Rs. 10 per month shall be paid to the Typists.

(i) *Officiating Allowance.*—Any employee officiating in place of a person in the next higher grade shall be paid officiating allowance equivalent to the difference between present pay and the scale of the post for which he officiates.

## DEMAND No. 6—GRATUITY

All workmen shall be paid Gratuity at the rate of one month's total emoluments for every completed year of service without restriction of the service period on their ceasing to be the employees of the Company for any reason whatsoever.

## DEMAND No. 7—PROVIDENT FUND

The present Provident Fund rules shall be amended so as to provide the following:—

- (a) The employees shall be entitled to the Company's contribution to the Provident Fund on their confirmation in service and shall be paid on their ceasing to be employees of the Company.
- (b) 50 per cent of the Trustees of the Provident Fund trust shall be elected from among the beneficiaries.

## DEMAND No. 8—WORKING HOURS

The working hours for the Office Staff shall be from 10-00 A.M. to 5-00 P.M. with an Hour lunch interval on week days and from 10 A.M. to 1 P.M. on Saturdays.

The Working Hours for Salesmen, Van Men, Godownkeepers and Godownmen shall be 7 hours per working day and the quantum of work may be fixed in such a manner that the same is finished within the specified hours.



Ordinarily no workmen shall be required to do overtime work. In case, however, the exigencies of work so warrants an employee may be required to work overtime as also on Sundays and Holidays on payment of overtime allowance at the rate of double the usual wage of the employee concerned.

#### DEMAND No. 9—BONUS

The Company shall pay Bonus to all its employees for the years 1954-55, 1955-56 and 1956-57 on the following rates:—

Year 1954-55—Four months' basic pay.

Year 1955-56—Six months' basic pay.

Year 1956-57—Six months' basic pay.

#### DEMAND No. 10—LEAVE

The Company shall allow leaves to all its workmen on the following scales during a year:

Annual Leave: 30 days with an accumulation of 90 days.

Casual leave: 15 days. This leave may be availed of as and when required by an employee.

Sick leave: 30 days with full pay and 30 days with half pay with an accumulation of 90 days in each case. Sick leave shall be granted from the date an employee is reported sick and not two days after and the employer may require an employee to submit a medical certificate for the Sick leave provided the leave exceeds three days. Weekly submission of medical certificates shall not, however, be insisted upon.

N.B. 1: An employee shall be entitled to the return Railway fare including that of his family members for proceeding to any station or to his home town during the annual leave as per existing movement rules.

2. The Salesmen shall continue to receive the commission on the scales during the period of their any type of above leaves.

3. Without pay leave means only without Basic pay.

#### DEMAND No. 11—HOLIDAYS

Holidays as observed by the Office Staff shall be extended to the Salesmen and Van Men. Further local holidays as declared by the District Magistrate from time to time shall also be granted. May-Day will be observed as a paid holiday at all centres.

#### DEMAND No. 12—HOUSE RENT

House Rent shall be paid to all the workmen at the rate of 10 per cent. of the basic salary subject to a minimum of Rs. 15.

#### DEMAND No. 13—LIFE INSURANCE

The Controllers, Salesmen, Godown Keepers, Cashiers and Machinemen, Vanmen and Godownmen shall be insured to the extent of Rs. 5,000 each at the cost of the Company.

#### DEMAND No. 14—MEDICAL AID

(i) The Company shall provide all medical facilities to the employees and their dependents and meet with such costs as the cost of doctors fee, patent medicines including injections, all expenses of treatment including the specialists and all over expenses incurred thereof by the employees.

(ii) If an employee is involved in accident or injury while on duty all medical expenses shall be borne by the Company for the period of confinement as a result of accident or injury shall be treated as extra sick leave not to be offset against the sick leave entitlement under the existing rules. The Company shall make arrangements for a special general and a T. B. Bed in all the hospitals.

## DEMAND No. 15—UNIFORMS TO SUBORDINATE STAFF

The Subordinate Staff (Peons, Godownmen, Vanmen, Sweepers, Watchmen, Drivers etc.) shall be supplied with two summer uniforms and one winter uniform every year. Summer uniform shall consist of one cap, one Bush shirt and one Pant and the winter uniform shall consist of woollen coat, Pants and a Cap.

In addition to the above uniform they shall be supplied one pair of shoes every year. Summer uniform shall consist of one cap, one Bush shirt and one gum-boot during the rainy season.

## DEMAND No. 16—DEPOT REQUISITES

Each sales depot shall be provided with one table two chairs, gum-paste, broom, earthen pot, one cash bag, grease for vans, two brushes in a year for pasting, adequate number of pencils, holders, carbons, nibs, blotting papers and other stationery.

## DEMAND No. 17—GENERAL

(a) All the employees shall be supplied tea for their domestic consumption at 50 per cent. concessional rates.

(b) The employees suffering from T. B. or prolonged illness shall be allowed special leave with wages during the period of their illness;

(c) The Company shall recruit persons for performing the duties of despatch clerk and typists shall be relieved of this duty;

(d) The Company shall provide the facility to all the employees of taking loan without interest to the extent of three months' emoluments for the purposes of marriages, construction of own houses etc., and the same may be realised in easy instalments;

(e) The Company shall appoint adequate number of employees as relieving hands for office as well as for field staff;

(f) The Salesmen shall be paid Rs. 80 per four-weekly period as minimum commission on sales if they are made to work on depots where the sales is less.

(g) There shall be no transfers without the consent of the employee concerned and in no case the nature of transferred employee will be changed. On transfers an employee shall be entitled to the Railway Fare as per rule of the Company for himself and all his dependents irrespective of their age in addition to other expenses allowed under the rules.

The transferred employee shall also be entitled to three months' total emoluments on his transfer and shall be allowed seven days joining period.

(h) The Company shall appoint vanmen on all the depots on permanent basis and all the present vanmen appointed on weekly basis shall be made permanent in the service of the Company;

(i) The clerical staff working in Factories shall be paid a special pay equivalent to 25 per cent. of their total emoluments for their working for 48 hours a week;

(j) The contract labour system shall be abolished and all the workmen now temporary labourers or on contract basis for more than 3 months shall be made permanent in the service of the Company;

(k) Canteen facilities, as are available to Head Office employees shall be extended to Branch Offices and Factories;

(l) *Standing Orders*.—These shall be revised and/or in consultation with the Federation and copy of which be supplied to employees on demand

## DEMAND No. 18—RETROSPECTIVE EFFECT

The above demands shall be given effect to with retrospective effect as from 1st January, 1954.

The above demands shall not affect the existing rights and privileges of the employees to their disadvantage.

New Delhi, the 19th June, 1959

**S.O. 1466.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Bombay Port Trust and its workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
AT BOMBAY**

**REFERENCE (CGIT) No. 11 of 1959**

**In the matter of The Bombay Port Trust**

**AND**

**their workmen.**

**PRESENT**

**Shri F. Jeejeebhoy, Judge.**

**APPEARANCES:**

*For the Management*—Shri S. D. Nariman, Legal Adviser, Bombay Port Trust with Shri Osler D'Mello, Asstt. Mech. Supdt.

*For the Bombay Stevedores and Dock Workers' Union*—Shri C. L. Dudhia, Vice-President with Shri H. N. Trivedi and Shri D. M. Tulpude.

*For the Bombay Port Trust Employees' Union*—Shri S. J. Deshmukh, Treasurer.

**AWARD**

By Order of 20th March, 1959, the Government of India in the Ministry of Labour and Employment referred to this Tribunal the industrial dispute in relation to the Bombay Port Trust and its workmen concerning the following subject:

“Whether the seniority of mazdoors of diesel loco section and steam loco section of Bombay Port Trust Railway loco shed be maintained separately and if so, should there be any transfer from one section to the other in view of the nature of their work in different sections?”

The facts are shortly these:

Prior to July 1957 all the engines used for the Bombay Port Trust Railway were steam engines. In July 1957, 10 diesel engines were purchased and put into use. The steam engines have a loco shed at Wadala; as a temporary arrangement the shed for the diesel engines was provided at Ballard Pier, and a permanent shed is to be constructed at Wadala. It is however clear that the maintenance and repairs of the steam engines and of the diesel engines will have to be done in separate sheds. It is not in dispute that the steam engines are different to diesels; and otherwise too it would not be practicable to maintain and repair them side by side.

It is a common ground that the steam engines are on their way out, and will sooner or later be replaced by diesel engines.

A mazdoor attached to the steam engine side has many chances of promotion to higher categories in the section. The chances of promotion for the mazdoors in the diesel section are comparatively limited.

There are 103 mazdoors in the steam section as against 19 mazdoors in the diesels. Previously 23 steam engines were doing 54 turns daily, and at present steam engines do 45 turns and diesels 24.

When the diesels came into use in July, 1957, 19 mazdoors were appointed for their maintenance and repairs. The first two of them were on transfer from steam side on 1st July, 1957, there were 4 new recruits on 18th July, 1957, and the rest numbering 13 were appointed between 23rd July, 1957, and 8th March, 1958.

On 10th September, 1957, the General Secretary of the Bombay Port Trust Employees Union wrote a letter to the Chief Engineer, Bombay Port Trust, complaining that it was unfair and unjust to engage outsiders for the maintenance and repairs of the diesel engines in preference to the existing Port Trust employees working on steam engines, especially as it was proposed to increase progressively the number of diesel locomotives. The Union asked that the services of the

outsiders be terminated and the existing employees on steam engines be appointed to the posts. This letter of the Union indicates that it had taken the same objection previously at the very time when recruitment was being made consequent on the entry of diesel engines on the scene. Presumably taking action on this letter from the Union, the Port Trust between 1st November and 17th November, 1958 transferred the 19 mazdoors working on the diesels to the steam engines shed and filled the posts so vacated in the diesel shed with men from the steam engine side. That has given rise to the present reference.

The Port Commissioners have explained that there never was any intention at any time to have the steam section and the diesel section in two separate compartments, and that the mazdoors of both steam and diesel sides were to be regarded as one unit for all purposes including interchangeability. The Port Trust denies that the persons who were appointed in the latter half of 1957 to the diesel section were ever given any assurance that the diesel section was to be a section by itself, and in fact there is nothing in any of the notices calling for applications which can support the view that these two sections were to remain apart. The Port Trust made the position quite clear in its letter of 20th October, 1958, wherein it is stated:

"The Chairman has agreed that as the Mazdoors in the steam and diesel sections of the Loco Shed form a single cadre and have common seniority, the senior Mazdoors have a prior claim to vacancies on the diesel side, in accordance with seniority and their choice. He has also agreed that the Mazdoors now working on the diesel side have no claim for separate treatment.

You (Chief Engineer) are therefore requested to transfer the junior Mazdoors working on the diesel side to the steam side and fill up the consequential vacancies by the transfer from the steam side of senior mazdoors who wish to be transferred to the diesel side."

It may be that some officers of the Port Trust had taken the view that the steam side and the diesel side should be kept separate, but that was not the view of the Port Trust, and indeed it has been pointed out with considerable force that there is a single cadre and common seniority for the steam launch and the diesel launch repairs.

The mazdoors naturally look forward to promotions. Their primary function is to carry tools and other articles required for repairs and to help the fitters; but in that process, whether on the steam side or on diesel side, the mazdoor observes and learns the work of fitters on the diesel or on the steam side as the case may be; and when a fitter's post becomes vacant it is open to the mazdoors to try for it. On the steam side it is not only the fitter's job to which the mazdoors may aspire, for other jobs too are open to a mazdoor by way of promotion.

There are two fundamental factors connected with this Reference. Firstly, it is the fact that at the very time that the 19 men were being appointed to the diesel side the Union had raised an objection stating that the diesel side should be manned by mazdoors from the steam side, because, and this is the second factor, it was the intention of the Port Trust that diesels should ultimately replace the steam engines. It is therefore clear that as the diesel section expands more mazdoors and other personnel will be required for it, and at the same time less persons will be required on the steam side. Thus interchangeability is inevitable not only for future requirements, but also to enable the body of mazdoors to qualify for promotion on diesel side by acquiring familiarity with the work. For instance the 19 persons appointed in the latter half of 1957 as mazdoors for diesels have been transferred to the steam side, and a like number of senior men from the steam side have been sent to diesels in order to become familiar with diesels. I have therefore no doubt that the steam side and diesel side were intended to form and should form a single section with joint seniority and promotion, and that the Port Trust having made an initial mistake in putting new recruits on the diesel side has rectified the position in time; I hold that the mazdoors in the steam and the diesel sections of the loco sheds form a single cadre and have common seniority.

It has however been pointed out to me that the case of the 19 persons who were the first to be appointed to the diesel side in the latter half of 1957 requires consideration, and it is said that I should not overlook the rights which they have acquired by reason of their first appointments to diesels. But in fact they had acquired no rights as is suggested. To begin with their appointments were temporary, and, secondly, at the time of their appointment, and certainly within the

period of their temporary appointment, the Union had raised an industrial dispute concerning their postings, and these 19 mazdoors must have been aware of that: Thus an industrial dispute had been raised at that early stage to the knowledge of these 19 workmen. Furthermore there are no equities which these 19 persons could invoke. They wish to be restored to position which would deprive senior men with long terms of service on steam engines of transfer to jobs on the diesel side, and that too with the sure knowledge that in course of time the steam engines are to be replaced by diesels. In fact it has been pointed out by Dr. Shanti Patel that in his view these 19 persons have already acquired certain advantages in that they have familiarised themselves with diesel engines during the period of their employment in the diesel section and could therefore qualify for promotion to the grade of fitters if they can pass the necessary tests.

I would therefore answer the issue in the sense that the seniority of mazdoors of diesel loco section and steam loco section of Bombay Port Trust Railway loco sheds cannot be maintained separately, and it would be open to the Port Trust to transfer such mazdoors from one section to the other as it may deem expedient.

I therefore make my award accordingly.

Dated: 3rd June, 1959.

(Sd.) F. JEEJEEBHOO, Judge,  
Central Government Industrial Tribunal  
at Bombay.  
[No. LRIV-28(47)/58.]

New Delhi, the 23rd June 1959

**S.O. 1467.**—In exercise of the powers conferred by sub-section (2) of section 33C of the Industrial Disputes Act, 1947 (14 of 1947), and in supersession of the Government of India, Ministry of Labour & Employment, Notification No. S.R.O. 2565, dated the 1st August, 1957, the Central Government hereby specifies the Labour Court, Delhi, constituted under section 7 of the said Act, as the Labour Court which shall determine the amount at which any benefit referred to in that sub-section shall be computed in terms of money.

[No. LR-I-1(83)/59.]

A. L. HANDA, Under Secy.

New Delhi, the 19th June 1959

**S.O. 1468.**—The following draft of a further amendment of the Madras Un-registered Dock Workers (Regulation of Employment) Scheme, 1957, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 1st August, 1959.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

#### Draft Amendment

After the first proviso to sub-clause (1) of clause 9, the following proviso shall be inserted, namely:—

- “Provided further that a dock worker who is temporarily medically unfit may be listed provisionally subject to the condition that—
  - (i) the ailment leading to temporary unfitness is declared as being curable within a reasonable period;
  - (ii) the period of provisional listing shall not exceed six months unless an extension is granted by the Board; and
  - (iii) if after the period or extended period of provisional listing the worker is still found unfit, his listing shall not be renewed.”

[No. Fac. 186(3)/59.]

*New Delhi, the 22nd June 1959*

**S.O. 1469.**—In pursuance of sub-clauses (1) and (4) of clause 4 of the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, the Central Government hereby appoints Shri V. T. Dehejia, I.C.S., Chairman, Bombay Port Trust, Bombay, as a member of the Bombay Dock Labour Board and also nominates him as the Chairman of the said Board, in place of Shri L. T. Gholab, I.C.S., who has been transferred, and directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Labour S.R.O. 2635, dated the 8th November, 1956, namely:—

In the said notification, for the entry "Shri L. T. Gholab, I.C.S., Chairman" in the two places where it occurs, the entry "Shri V. T. Dehejia, I.C.S., Chairman" shall be substituted.

[No. Fac. 170(2)/59.]

**S.O. 1470.**—**PWA/14/No. 1/Am. 3/59.**—In exercise of the powers conferred by sub-section (3) of section 14 read with section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour No. S.R.O. 984 (PWA/14/N. 1/57), dated the 21st March 1957, namely:—

In the said notification—

in item IV, in entry 3(ix), for the word "Rewa", the word "Jaipur" shall be substituted.

[No. Fac. 103(37)/58.]

B. K. BHATTACHARYA, Dy. Secy.

*New Delhi, the 20th June 1959*

**S.O. 1471.**—In exercise of the powers conferred by clause (b) of sub-section (1) of section 3, read with section 4 and sub-section (2) of section 5 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government, after considering the advice of the Committee set up under clause (a) of sub-section (1) of section 5 of the said Act, hereby revises the minimum rates of wages payable to the classes of employees specified in the annexure and directs that this notification shall come into force on and from the 1st July, 1959.

#### ANNEXURE

##### 1. Indian Agricultural Research Institute, New Delhi

The rates notified in the Notification of the Ministry of Labour No. S.R.O. 3680, dated the 30th December 1954 for the casual employees in the Indian Agricultural Research Institute, New Delhi are revised by the following flat all-inclusive minimum rates of wages:

Men	Rs. 2/- per day	} irrespective of operations.
Women	Rs. 1.65 N.P. per day	
Adolescents	Rs. 1/- per day	
Children	Rs. 0.75 N.P. per day	
Men if employed on monthly basis	Rs. 73/ per month	

The rates for men and women employed in the Central Vegetable Breeding Station, Kulu Valley, Kangra District, Punjab, notified in the Notification of the Ministry of Labour No. S.R.O. 3680, dated 30th December 1954 will be revised as follows:

Male	Rs. 1.50 per day (all inclusive rate)
Female	Rs. 1.25 per day (all inclusive rate)

##### 2. Central Potato Research Institute, Patna

The rates notified for Adult Men, Adult Women and Boys and Girls in the Ministry of Labour Notification No. S.R.O. 3680, dated the 30th December, 1954, employed in the Central Potato Research Institute, Patna, are revised as follows:—

Men (Adults)	Rs. 1.50 N.P. per day.
Women (Adults)	Rs. 1.25 N.P. per day.
Boys & Girls	Rs. 1/- per day for adolescents 50 N.P. per day for children.

## 3. All India Radio, Indore

The rates of wages notified in the Ministry of Labour Notification No. S.R.O. 3652, dated the 27th December 1954 for Carpenter Class II and Mason Class II employed at Indore are raised to Rs. 4 per day.

## 4. Employment in Tanneries and Leather Manufacturies under the Ministry of Defence

The rates of wages notified in the Ministry of Labour Notification No. LWI-24 (74), dated the 25th September 1951, for the following categories of employees employed in tanneries and leather manufacturies carried on by or under the authority of the Ministry of Defence are revised as follows:—

Categories	All Inclusive minimum monthly rates of wages Rs.
Mistry	91
Ganger	85
Currier	77
Labourer	75
Bateyard worker	77
Fitter (General)	85
Leach House worker	80
Limeyard Flesher	85
Limeyard unhairer	80
Limeyard worker	77
Stoker	80
Sweeper	75
Pump attendant	80
Tanyard worker	77
Counter	77
Lower Division Clerk	115
Checker (Grades I & II)	90

## 5. Central Water and Power Commission, Khadakwasla

The following changes are made in the Ministry of Labour Notification No. S.R.O. 3674, dated the 30th December 1954 notifying rates of wages for the employees employed on road construction or in building operations in the Central Water and Power Station, Khadakwasla:—

- "Boy Mason Mates" to be omitted.
- "Cartman" is designated as "Cartman (Double)" with no change in the wages.
- The rate of wages notified for "Mates (Carpenter Fitter)" is raised to Rs. 2 per day.
- "Unskilled Mazdoor Boy" is designated as "Unskilled Mazdoor Child."
- The rate of wages notified for "Trained Mazdoors" is raised to Rs. 2 per day.

## 6. Films Division, Bombay

The rates of wages notified for Assistant Carpenter, Assistant Plumber and Polisher in the notification of the Ministry of Labour No. S.R.O. 3654, dated 27th December 1954 are revised as follows:

Assistant Carpenter	}	Rs. 3.75 nP per day (all-inclusive rates)
Assistant Plumber		
Polisher		

**S.O. 1472.**—In exercise of the powers conferred by sub-section (1) of section 3, read with section 4 and sub-section (2) of section 5 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government, after considering the advice of the Committee set up under sub-section (1) of section 5 of the said Act, hereby fixes Rs. 2 per day as all-inclusive minimum rate of wage for agricultural labour employed in the Central Mechanised Farm at Suratgarh (Rajasthan).

This notification shall come into force on and from the 1st July, 1959.

[No. LWI(1)-6(2)/59(ii).]

P. R. NAYAR, Under Secy.

## MINISTRY OF INFORMATION & BROADCASTING

New Delhi-2, the 19th June, 1959

**S.O. 1473.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Transmission Executive, All India Radio, namely:—

**Short Title.**—These rules may be called Broadcasting Stations, All India Radio Recruitment Rules, 1958.

**Method of Recruitment.**—Recruitment to the posts of Transmission Executive All India Radio shall be made in accordance with the provisions contained in the enclosed schedules.

SCHÉ

### Recruitment Rules for the Post of Tr

Name of Post	Its Classification whether Gazetted or Non-Gazetted and whether ministerial or non-ministerial	Scale of pay	Duties	No. of posts	Percentage of Posts to be filled by			
					Direct recruitment	Promotion by		
						Selection	Seniority cum-fitness	Transfer
1	2	3	4	5	6	7	8	9
Transmission Executive.	General Central Civil Services Class III non-ministerial.	160—10—330—EB—15—390.	Supervision and making of arrangements for the presentation of programmes during broadcasts.	32	75%	25%	Nil	Nil

#### Col. 11. \*For direct recruitment Essential

- (i) Degree from a recognized University.
- (ii) Good cultural background and general knowledge.
- (iii) Knowledge of at least one Indian Literature, or music or dramatics.

#### Desirable.

- (i) Fair knowledge of Hindi.
  - (ii) Some experience of participation in making arrangement for cultural programme
- Qualifications relaxable in the case of candidates otherwise well qualified.



## DULE

*Transmission Executive, All India Radio*

For direct recruitment only			For promotion/transfer only		
Age limits	Educational and other qualifications required	Period of probation	Whether age and educational qualifications prescribed for direct recruitment will apply in case of appointment by promotion/transfer	Grades/sources from which promotion/transfer are to be made	Composition of the D.P.C.
10	11	12	13	14	15
<i>For direct recruitment</i> Between 18 and 25 years Relaxation in the case of Scheduled Castes/Tribes, displaced persons and other special categories in accordance with the orders issued from time to time by the Government of India.	*	One Year.	No.	From amongst permanent Programme Secretaries and Studio Executives. In case sufficient number of such candidates are not available for the purpose, quasi-permanent employees will also be eligible for promotion.	DDG(P) Deputy Director General (Programmes). DDG(A) (Deputy Director General (Administration) and DES DNS (Director External Services Division/Director News Services Division.)

[No. 11(6)/57-B(A).]

R. B. SINHA, Under Secy.

New Delhi-2, the 22nd June 1959

**S.O. 1474.**—In exercise of the powers conferred by sub-rule (2) of rule 11 and clause (b) of sub-rule (2) of rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the Schedule to the notification of the Government of India in the Ministry of Information and Broadcasting No. SRO 618, dated the 28th February, 1957, namely:—

In part I of the said Schedule under the heading "Directorate of Advertising and Visual Publicity", for the entries in columns 1 to 4, the following entries shall respectively be substituted, namely:—

1	2	3	4
Post on a scale of pay with a minimum of not less than Rs. 500/ p.m.	Secretary, Ministry of Information and Broadcasting	Secretary, Ministry of Information and Broadcasting	All
Other posts.	Director of Advertising and Visual Publicity.	Director of Advertising and Visual Publicity	All

[No. F.2/13/59-Advtg.]

A. M. K. SWAMI, Under Secy.

## ORDER

New Delhi, the 19th June 1959

**S.O. 1475.**—The Central Government hereby:

- (a) directs, in pursuance of the provisions of the Order of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 3805, dated the 28th December, 1955 and in modification of the Order of the Government of India in the Ministry of Information and Broadcasting No. S.O. 1126, dated the 6th May 1959 that the Advisory Panel of the Board of Film Censors at Calcutta shall consist of 22 members with immediate effect; and
- (b) appoints the following persons as members of the Advisory Panel of the said Board at Calcutta with immediate effect in exercise of the powers conferred by sub-rule (3) of rule 8 read with sub-rule (2) of rule 9 of the Cinematograph (Censorship) Rules, 1958:

- 1 Shrimati Labanyaprova Dutt.
- 2 Shrimati Ila Palchoudhuri.

[No. F. 11/3/59-FC.]

D. R. KHANNA, Under Secy.

